

IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Application No. 2195 of 2025

Applicant : Tabish Hussain
through Mr. Salman Ahmed
Soomro, Advocate.

Complainant : In person

Respondent : The State
through Mr. Ali Haider Saleem,
Addl. Prosecutor General Sindh
a/w S.I. Noor Muhammad, I.O.

Date of hearing : 18.09.2025

Date of Order : 23.09.2025

ORDER

Omar Sial, J: Tabish Hussain seeks post-arrest bail in crime number 864 of 2025 registered under sections 394, 397, 337-A(i), and 34 P.P.C. at the Shah Latif Town police station. The F.I.R. was registered on 19.06.2025 on information provided by Sardar Khosa of an incident that had occurred earlier that day.

2. According to Sardar Khosa, he was sleeping at home with his brother Mohammad Ali and his brother-in-law Nazar Ali when, at about 2:00 a.m., two men armed with a pistol and an axe broke into the house. The intruders beat the occupants of the house and tied them up. Their respective mobile phones, together with whatever cash and other belongings they had, were snatched from them. One of the assailants, identified as Farhan Unar, fired his weapon at the residents, but the bullet got stuck in the pistol's chamber. The intruders then left the premises. The ensuing commotion drew the attention of the neighbors who untied the residents and took them to hospital for medical treatment.

3. I have heard the counsel and the Additional Prosecutor General.

4. The learned Additional Prosecutor General explained that Farhan Unar was apprehended when he was attempting to steal a motorcycle from the locality. And when he was interrogated he told the police that the present applicant Tabish Hussain was his accomplice when he robbed the complainant party. Tabish was then arrested. Upon Tabish's lead the police recovered the motorcycle ownership documents, papers, mobile phones and cash, that had been stolen from the complainant's house.

5. While denying all wrongdoing on the applicant's part, his learned counsel said that the F.I.R. was registered after one day, making its contents suspect. He did not deny that Farhan Unar had named the applicant but said that was because Farhan had "ill-intentions" towards the applicant because of some prior dealings. Counsel submitted that there was a discrepancy in the model of the phone looted and recovered and that no identification parade was held. He lastly argued that the applicant was arrested from his home and not from the road, as claimed by the police.

6. The complainant, present in person, immediately at the start of the hearing of this application submitted that the applicant was not the person who had entered his house and that the Farhan's companion had a muffled face. This statement of his was contradictory to what was recorded in the F.I.R. and the witness section 161 Cr.P.C. statements. It seemed that the complainant was under stress while giving the applicant a clean chit. Pressure, coercion and intimidation of the complainant was confirmed by the investigating officer of the case.

7. The applicant has confessed to the police that he took part in the crime. His confession has subsequently led to the discovery of the stolen property and therefore the impact of Article 40 of the Qanun-e-Shahadat Order, 1984 will have to be

determined by the Trial Court. Learned counsel alleged that Farhan Unar had “ill-intent” towards the applicant and thus named him, however, he could not explain as to why the complainant and the police would also go along with Farhan’s ill-intent towards the applicant.

8. It is correct that no identification parade has been held, which is a lapse on the part of the investigation officer. The impact of such a lapse requires determination once the Trial Court has evaluated the evidence. At this preliminary stage, I am inclined to believe the identification of the applicant that the complainant has previously made after his arrest. I have looked at this aspect in conjunction with the alleged threats given to the complainant.

9. There does seem to be a discrepancy in the model of phone recovered from the one stolen; however, that is an issue that requires deeper appreciation of evidence. Similarly, the exact place of arrest and the impact it would have on the prosecutions case if the applicant was arrested from his house and not from the road outside, also requires deeper analysis. The applicant’s involvement with crime in the past also does not help his cause.

10. Given the above, the applicant has failed to make out a case for grant of bail. The bail application is dismissed.

JUDGE