

## IN THE HIGH COURT OF SINDH AT KARACHI

Present

*Mr. Justice Dr. Syed Fiaz ul Hassan Shah*

### **Criminal Bail Application No.1778 of 2025**

Applicant : Fayyaz son of Niaz Muhammad  
through Mr. Din Muhammad, Advocate

Complainant : Muhammad Shoaib Aslam S/o  
Muhammad Aslam present in person.

Respondent : The State  
through Ms. Rahat Ahsan, Addl. P.G. a/w  
SHO PS Surjani Town Irfan Asif & SIP  
Shakeel Ahmed

Date of hearing : 29.09.2025

Date of order : 29.09.2025

### **ORDER**

**Dr. Syed Fiaz Ul Hassan Shah, J. -** Through this Bail Application, applicant/accused seeks post-arrest bail in Crime No.362/2025 for offence under Section 392/397/34 PPC registered at PS Surjani Town, Karachi. His bail plea has been declined by the learned Additional District & Sessions Judge-XI, Karachi West [Trial Court] vide order dated 25.03.2025.

2. The facts are incorporated in the FIR and impugned and do not need to be reproduced for the purposes of deciding the bail application.

3. It is contended by the counsel for the applicant that as per contents of the FIR, neither the mobile phone Techno Spark nor the original CNIC has been recovered from the possession of the applicant. He further contends that although weapon has been recovered but the ingredients of Section 392 & 397 PPC are not attracted in the case of applicant.

4. On the other hand, learned Addl. P.G. states that the applicant has been arrested on spot and his role has sufficiently been assigned in the FIR so also confirmed in the challan by the I.O.

5. I have heard the learned counsel for the parties and with their able assistance perused the record.

6. It is undeniable fact that the applicant has been arrested from the spot viz. crime scene where the alleged robbery was committed with the complainant, who is present in person. While as per plain reading of contents of FIR as well as challan, it has been confirmed that it is the absconding accused Raju who has taken away mobile phone and CNIC of the complainant. The complainant as well as his eyewitness Syed Muhammad Azano son of Athar Hussain has categorically stated in 161 Cr.P.C. statement that the applicant and absconding accused are responsible for commission of offence. Moreover, stolen motorcycle was also recovered from the possession of the applicant, which according to learned Addl. P.G. has been stolen from the jurisdiction of Gulshan-e-Maymar; however, she has not given the FIR number of such incident. The applicant has failed to make out a case for grant of post-arrest bail due to spontaneous arrest at crime scene duly supported by the complainant/victim and his eyewitness.

7. In view of the above, instant bail application is dismissed. However, the applicant will be at liberty to move second bail application after examination of the complainant and his witness.

8. It is clarified that the observations made hereinabove are tentative in nature and shall not prejudice the trial Court, which shall decide the case strictly on its merits and in accordance with law.

**JUDGE**

Kamran/PS