

IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Application No. 1674 of 2025

Applicant : Muhammad Saddam, through Mr. Shujaat Ali Khan, Advocate.

Complainant : Muhammad Saeed through Mr. Imran Khan, Advocate.

Respondent : The State, through Mr. Rubina Qadir, Addl. P.G a/w ASI Nazakat Ali, AVL, Gadap.

Date of Hearing : 30.10.2025.

Date of Order : 03.12.2025

ORDER

TASNEEM SULTANA, J.:- Through this bail application, applicant Muhammad Saddam seeks post-arrest bail in Crime No.1518/2024 registered under Sections 397/34, P.P.C. at P.S. Sachal, Malir Karachi, having been rejected his earlier bail application for grant of post arrest bail in Criminal Bail Application No.2442 of 2025 by the learned IV Additional Sessions Judge, Malir, Karachi, vide order dated 21-06-2025.

2. The brief facts of the prosecution case, are that complainant Muhammad Saeed reported that on 16.09.2024, his son Shoaib Saeed Bhatti along with his friend Nasir Khan was abducted at gunpoint by two unknown persons at about 0300 hours from main road, opposite to White House Garden, Scheme-33, Karachi. The accused forcibly entered the vehicle Honda Vezel bearing registration No.BQ-0707 and snatched it along with two mobile phones i.e. IPHONE 13 Promax and Tecno Camon 17 and cash amount Rs.35,000/-. The complainant's son and his friend were later dropped at main Superhighway, near Jan Japan Motors, while the accused fled away with the car and other looted articles.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated with mala fide intention; that the FIR was lodged against unknown persons and no role was attributed to the present applicant; that during investigation no incriminating material has been collected by the police connecting the applicant with the occurrence; that no recovery of the snatched car,

mobile phones, cash or any other article has been affected from him; that the complainant himself produced the applicant before the investigating officer several months after the incident and thereafter his statement under Section 162 Cr.P.C. was recorded, which by itself is not substantive evidence; that the applicant has annexed with his bail application the CDR record pertaining to his mobile number showing that at the time of the alleged incident he was not present in Karachi, whereas the police have not collected any such data during investigation; that no independent material, either ocular, forensic, technological or circumstantial, is available on record to connect the applicant with the alleged offence; and that in these circumstances the matter squarely falls within the ambit of further inquiry under Section 497(2) Cr.P.C.

4. Learned counsel for the complainant, while opposing the grant of bail, contended that the applicant's alleged involvement came to the knowledge of the complainant during the course of investigation, whereafter a detailed further statement was recorded on 18-03-2025. Counsel submitted that the allegation pertains to the snatching of a vehicle at gunpoint, attracting Section 397, P.P.C., which is a grave offence involving the use of a deadly weapon; that the complainant produced the applicant before the police after verifying information regarding his participation; that the subsequent disclosure, forming part of the investigative record, should not be lightly disregarded at this stage; that the offence was committed by more than one person, rendering the applicant liable under Section 34, P.P.C.; and that there is no apparent motive for false implication. Counsel prayed for dismissal of the application.

5. Heard. Record perused.

6. From a bare perusal of the available record, it appears that the FIR was lodged against unknown persons and no description was provided that could connect the present applicant with the alleged occurrence. The investigation papers further reflect that no incriminating article, neither the snatched vehicle nor the mobile phones, cash, or any weapon have been recovered from the applicant. It further reflects that IO has not collected any technological or forensic material to establish his presence at the time and place of occurrence.

7. It also emerges that the applicant was not apprehended through any investigative effort; rather, he was subsequently produced before the investigating officer by the complainant himself many months after

the incident, upon which a statement under Section 162 Cr.P.C. was recorded. Such later implication, unsupported by any independent investigative material, prima facie does not constitute substantive evidence and cannot by itself justify the continued detention of the applicant. On the contrary, the applicant has annexed with his bail application the CDR pertaining to his mobile number to show that he was not present in Karachi at the relevant time, and the record reflects that the police did not collect any CDR or other technological data during investigation to dislodge this stance.

8. In this background, a prima facie question arises as to whether the present applicant was in fact connected with the alleged occurrence, particularly in the absence of any independent material collected by the police and considering that the applicant came to be nominated only through the complainant's later statement, thereby bringing the case within the ambit of further inquiry under Section 497(2) Cr.P.C.

9. In view of above, I am of the considered opinion that at this stage, applicant has succeeded in making out case for grant of bail. Consequently, the instant bail application is allowed. Applicant Muhammad Saddam is admitted to post-arrest bail subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and a P.R. bond in the like amount to the satisfaction of the trial Court.

The observations made herein are tentative in nature and shall not prejudice the case of either party at trial, and the trial Court shall not be influenced by the same while passing its final order.

JUDGE