

3. Learned counsel for the applicants contended that neither the robbed property nor any weapon, motorcycle, or other incriminating article has been recovered from the possession or at the instance of the applicants, and any alleged recovery is foisted. It was further argued that despite the alleged presence of four armed assailants who appeared suddenly, the complainant claims to have identified three of them, which renders such identification inherently doubtful in the peculiar circumstances of a sudden and tense occurrence. It was also submitted that the applicants have been implicated with the aid of Section 34 PPC, the applicability whereof can only be determined after recording of evidence at trial and cannot be presumed at this stage. Lastly, it was argued that the offence does not fall within the prohibitory clause of Section 497 Cr.P.C., therefore, the grant of bail is the rule and its refusal an exception.

4. Conversely, learned Deputy Prosecutor General, assisted by learned counsel for the complainant, opposed the applications and contended that the applicants are specifically nominated in the FIR and no enmity has been alleged which could suggest false implication; hence, they do not deserve the concession of bail.

5. I have heard learned counsel for the parties and have carefully examined the material available on record.

6. Tentative assessment of the record reveals several circumstances which, at this stage, render the prosecution case doubtful and call for further inquiry. The complainant's assertion that he could identify multiple assailants during a sudden armed robbery appears, prima facie, improbable and not in consonance with ordinary human conduct. Furthermore, although the accused were allegedly armed with deadly weapons, no injury was caused to the complainant, nor was his motorcycle taken away, which raises serious questions regarding the manner of the alleged occurrence. It is further noted that only a meager amount of Rs. 20,000/- is alleged to have been recovered from applicant Ghulam Mustafa, that too after an unexplained delay of three days from the date of his arrest,

which substantially diminishes the evidentiary value of such recovery. No recovery whatsoever has been effected from applicant Ghulam Hyder, who has remained in custody since 17.12.2025. Significantly, the record reflects that prior to the registration of the FIR, a petition under Section 491 Cr.P.C. was filed by one Ali Murad, brother-in-law of applicant Ghulam Mustafa, along with a NADRA affidavit dated 21.11.2025, indicating that the whereabouts of the said applicant were already in question even before the alleged occurrence. This circumstance, prima facie, lends further support to the plea of false implication. The investigation in the matter stands complete and the applicants have remained incarcerated for a considerable period. Their further detention would serve no useful purpose and would rather amount to punishment before conviction. Admittedly, the offence does not fall within the prohibitory clause of Section 497(1) Cr.P.C. It is a well-settled principle of law, as laid down in **Tariq Bashir v. The State** (PLD 1995 SC 34) and **Muhammad Tanveer v. The State** (2017 SCMR 366), that in cases of further inquiry, the accused is entitled to the concession of bail under Section 497(2) Cr.P.C.

7. In view of the foregoing, this Court is of the considered opinion that the case of the applicants squarely falls within the ambit of further inquiry. Consequently, these bail applications are **allowed**. Applicants Ghulam Mustafa and Ghulam Hyder are admitted to post-arrest bail in Crime No. 109 of 2025, subject to furnishing solvent surety in the sum of Rs. 100,000/- each and P.R. bonds in the like amount to the satisfaction of the learned trial Court.

8. It is clarified that the observations made herein are purely tentative in nature and shall not, in any manner, influence the learned trial Court, which shall decide the case strictly on its own merits.

JUDGE