

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Cr. B.A. No.2444 of 2026
(Mohsin Asif vs. The State)

Present:
Mr. Justice Muhammad Iqbal Kalhoro
Mr. Justice Khalid Hussain Shahani

For hearing of bail application

Date of hearing

& order 30.09.2026

M/s. Ismail Shah and Arshad Khan, advocate for applicant
Mr. Abrar Ali Khichi, Addl: PG Sindh and IO M. Ramzan, AVCC, CIA

ORDER

Muhammad Iqbal Kalhoro, J:- Applicant is seeking post arrest bail in a case bearing Crime No.78/2026, u/s 365-A, 395, 34 PPC, r/w section 7 ATA, registered at Police Station Model Colony, Karachi, by means of this application.

2. Complainant is a son of abductee, namely, Yousuf Haider. He, in the FIR dated 24.02.2026, has reported that on the same day five unknown accused, duly armed with weapons, barged into his house/guest house and on gunpoint, looted cash, mobile phones, etc. While leaving, they abducted his father and then on the phone demanded ransom of Rs.5 crore for his releases, which the applicant could not arrange, hence, he appeared at Police Station and registered FIR as above.

3. In investigation, the applicant who is ASI in police was arrested on 12.03.2026 on the basis of CDR, as he was found in contact with the accused, namely, Malik Hammad, who allegedly had received ransom amount of Rs.25 lac for release of the abductee but before he could be arrested, had fled from the scene. Allegedly, on the pointation of the applicant, co-accused Wasim, a Constable in Rangers (Sindh), was also arrested. The third accused, namely, Noman, was also arrested, who is alleged to be brother of the main accused, namely, Shahzaib, and the role assigned to him is that of facilitation in the crime. After their arrest, 164 Cr.PC statements of the abductee and two witnesses were recorded and then challan was duly submitted.

4. Learned counsel for the applicant has argued that name of the applicant does not appear in FIR; no recovery of any weapon or ransom amount has been effected from him; the abductee and the witnesses have not identified him; no identification parade was held, and meanwhile three co-accused have been granted bail.

5. On the other hand, learned Addl: PG Sindh and the IO present in Court have opposed bail citing discoveries made against the applicant and

other accused in investigation and pointing out that at the time of 164 Cr.PC statements, the witnesses and the abductee had identified them as the accused in the case.

6. We have considered submissions of the parties and perused material available on record, and are of the view that at this juncture the applicant is not entitled to concession of bail, as there is *prima facie* evidence against him in the shape of 164 Cr.PC statement of the abductee. As per record, at the time of such statement, applicant and two co-accused were present in the Court, and the abductee had pointed out to them to be the culprits, involved in this case. Such endorsement in clear words has been mentioned specifically by the Magistrate and is a part of the record.

7. Next, the bail order dated 04.07.2026 in Cr. B.A. No.198/2026, decided by the trial Court, shows that the abductee, before the learned ATC Judge, had also identified the applicant and Wasim to be the ones involved in his kidnaping and on the basis of such disclosure, their advocate had withdrew bail applications filed on behalf of them. Further, the CDR has also been collected by the IO, which *prima facie* shows active contact of the applicant with the main accused at the relevant time.

8. In presence of such *prima facie* evidence, we are of the view that the case of the applicant is distinguishable from the case of co-accused, who have been granted bail by the trial Court as *prima facie* they were not identified. In presence of 164 Cr.PC statement of abductee and observation of the learned Judge ATC verifying identification of the applicant by the abductee in the case, he is not entitled to concession of bail at this point in time, when the trial is yet to unfold.

9. Therefore, we do not find the merit in this application, and accordingly dismiss it. However, learned trial court is directed to expedite the trial and examine the material witnesses within a period of six (06) months, after which, in any case, the applicant would be at liberty to repeat application for the same relief, which, if filed, shall be decided on its own merits.

10. Bail application stands disposed of in the above terms. The observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

JUDGE