

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2595 of 2026
[Muhammad Shakeel V. The State]

DATE	ORDER WITH SIGNATURE OF JUDGE(S).
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For hearing of Bail Application.

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Date of hearing and short Order: 28.09.2026

Mr. Farooq Khuro, Advocate for the Applicant.
Mr. Qamaruddin Nohri, Deputy Prosecutor General Sindh.
Complainant Muhammad Zubair present in person.
SIP Sultan Sikandar, P.S. Ibrahim Hyderi.
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Abdul Hamid Bhurgri, J.- Through the instant criminal bail application, applicant Muhammad Shakeel son of Zahidullah seeks post-arrest bail in Crime No.290 of 2025, registered at Police Station Ibrahim Hyderi under Sections 392, 397 and 34 PPC. The applicant had earlier sought the same relief before the learned VIII-Additional Sessions Judge, Malir, which was declined vide order dated 20.02.2026; hence, the instant bail application.

2. Briefly stated, the prosecution case, as set out in the FIR, is that on 05.06.2025 at about 04:00 p.m., complainant Muhammad Zubair, while proceeding on his motorcycle bearing Registration No.KQD-9459 towards Main Rehri Road near Ali Akbar Shah Ramp, was allegedly intercepted by two unknown young persons. It is alleged that, while displaying weapons and threatening to shoot him, they forcibly deprived him of cash amounting to Rs.150,000/- and his purse containing a photocopy of his CNIC, vehicle documents and other papers. The complainant stated that the assailants appeared to be Bengali and that he could identify them if produced before him. The matter was reported to the police on 07.06.2025 at about 12:05 p.m., whereupon the instant FIR was registered.

3. Learned counsel for the applicant contended that the applicant has been falsely implicated and was neither named nor otherwise sufficiently described in the FIR. He submitted that although the complainant claimed that he could identify the culprits, no identification parade of the applicant was conducted before a Magistrate. He further argued that the occurrence allegedly took place on 05.06.2025, whereas the FIR was lodged on 07.06.2025

after a delay of about two days, for which no satisfactory explanation is available on record. It was further submitted that the allegedly robbed cash of Rs.150,000/- has not been recovered from the applicant and that the recovery relied upon by the prosecution does not, by itself, conclusively connect him with the alleged occurrence. Learned counsel also submitted that the applicant has remained in custody for a considerable period, has no previous criminal record and is suffering from a kidney ailment. According to him, the material collected by the prosecution, at the very least, calls for further inquiry within the meaning of Section 497(2), Cr.P.C. He, therefore, prayed that the applicant be admitted to bail.

4. Conversely, learned D.P.G., assisted by the complainant, opposed the application and submitted that the offence is serious in nature and that the applicant has been connected with its commission during investigation. He contended that the complainant had stated in the FIR that he could identify the culprits and that the material subsequently collected during investigation sufficiently connects the applicant with the offence. According to him, the grounds urged by the defence involve factual controversies which are appropriately to be determined after recording evidence at trial. He, therefore, prayed for dismissal of the bail application.

5. I have heard learned counsel for the parties and have examined the material available on record. At the bail stage, the Court is not required to undertake a deeper appreciation of evidence or determine the guilt or innocence of the accused; rather, the material is to be assessed tentatively to ascertain whether reasonable grounds exist for believing that the accused is connected with the alleged offence or whether his case calls for further inquiry within the contemplation of Section 497(2), Cr.P.C.

6. In the present case, admittedly, the applicant is not named in the FIR. The occurrence was allegedly committed by two unknown persons and, except for the general assertion that the assailants appeared to be Bengali; no identifying particulars of either assailant were recorded in the FIR. Although the complainant specifically stated that he could identify the culprits if produced before him, no identification parade of the present applicant appears to have been conducted before a competent Magistrate. In a case where an accused was previously unknown to the complainant, the

absence of such identification exercise assumes relevance, at least for purposes of a tentative assessment at the bail stage, particularly when the applicant was not nominated in the FIR.

7. It is also borne out from the record that the alleged occurrence took place on 05.06.2025 at about 04:00 p.m., whereas the FIR was registered on 07.06.2025 at about 12:05 p.m. The effect of such delay and the explanation, if any, offered therefor are ultimately matters for the learned trial Court to assess after recording evidence; however, at this stage, the delay constitutes an additional circumstance requiring consideration along with the other features of the case.

8. Furthermore, the principal property allegedly taken from the complainant, namely cash amounting to Rs.150,000/-, has not been recovered from the applicant. Certain documents/papers are stated to have been recovered; however, their alleged recovery, nexus with the occurrence and evidentiary worth are matters which would require proof at trial and cannot, at this stage, be treated as conclusive material so as to exclude the possibility of further inquiry.

9. Thus, when the above circumstances are considered cumulatively, namely, that the applicant was not nominated in the FIR; the assailants were previously unknown to the complainant; no identification parade of the applicant was conducted despite the complainant's assertion that he could identify the culprits; the FIR was lodged after a delay of about two days; and the allegedly robbed cash has not been recovered from the applicant; the prosecution case against the applicant, on tentative assessment, calls for further inquiry within the meaning of Section 497(2), Cr.P.C. These observations are confined strictly to the question of bail and do not amount to a final assessment of the prosecution evidence.

10. For the foregoing reasons, by my short order dated 28.09.2026, the instant bail application was allowed and applicant Muhammad Shakeel son of Zahidullah was admitted to post-arrest bail in Crime No.290 of 2025, registered at Police Station Ibrahim Hyderi, subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and P.R. bond in the like amount to the satisfaction of the learned trial Court.

11. Needless to clarify that all observations made herein are purely tentative in nature and confined to the disposal of the present bail application. The learned trial Court shall decide the case strictly on the basis of the evidence brought before it, independently and without being influenced by any observation contained in this order.

Above are the reasons for the short order dated 28.09.2026.

JUDGE

Ayaz Gul