

**IN THE HIGH COURT OF SINDH AT KARACHI**

Crl. Bail Application No. 2137 of 2023

Applicant : Muhammad Akhtar  
through Mr. Muhammad Hanif, Advocate

Respondent : The State  
through Mr. Muhammad Iqbal Awan, Addl.P.G.

Date of short order : 18<sup>th</sup> October, 2023

Date of reasons : 25<sup>th</sup> October, 2023

**ORDER**

Omar Sial, J: Mohammad Akhtar has sought post-arrest bail in crime number 355 of 2023 registered under sections 392, 397 and 34 P.P.C. at the Rizvia Society police station. Earlier on 21.09.2023, the learned 5<sup>th</sup> Additional Sessions Judge, Karachi Central, dismissed the bail application filed in that court.

2. The F.I.R. mentioned above was registered on 07.09.2023 on the complaint of Ahsan-ul-Islam. Ahsan reported that on 24.06.2023, while he was returning home on his motorcycle, he was intercepted by three armed persons on another bike, who robbed Ahsan of his motorcycle and telephone.

3. I have heard the learned counsel for the applicant and the learned Additional Prosecutor General. The complainant did not effect an appearance even after being served with a notice. My observations and findings are as follows.

4. There is no explanation regarding the inordinate delay in registering the F.I.R. or reporting the incident. While a person may be reluctant to initiate a criminal process in phone snatching cases, the same is not the natural reaction when a vehicle is stolen. A victim is justifiably afraid that his vehicle may be used in criminal activities and thus is diligent to file a police report for his liability to end. Malafide cannot be ruled out. No

identification parade was conducted when the applicant was arrested in another case. No meaningful description of the persons who robbed the complainant was given in the F.I.R. No recovery of the stolen motorcycle or the phone was effected.

5. The applicant's family had apprised the police of the applicant being possibly kidnapped on 04.09.2023 and a ransom demand of Rs. 1.5 million having been made. Rs. 400,000 was paid by electronic means. Despite phone numbers, etc, from where the calls came and where the money was sent, it seems that the investigating officer did not deem it appropriate to investigate the case from that perspective.

6. Given the above, the applicant's case is one of further inquiry; he was therefore admitted to bail vide short order dated 18.10.2023; the above are the reasons for the same.

JUDGE