

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
Criminal Bail Application No.1151 of 2024  
(Zubair Naveed and Yasir Iqbal v. The State)

Date	Order with signature of Judge
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- 1. For orders on MA No.6956/2024
- 2. For hearing of bail application

26.08.2024

Mr. Muhammad Arsalan Shah, advocate for the applicants  
Mr. Khadim Hussain Khuharo, Addl. PG for the State

It is alleged that the applicants with the rest of the culprits robbed P.W Mst. Lubna of her gold ornaments and other belongings when she was sitting alone in her house, for which the present case was registered.

The applicants having been refused bail by learned XIIth-Additional Sessions Judge, Karachi, West, have sought the same from this Court by way of instant bail application under Section 497 Cr.P.C.

It is contended by learned counsel for the applicants that the applicants are innocent and have been involved in this case falsely by the police, therefore, they are entitled to be released on bail on point of further inquiry, which is opposed by learned Additional Prosecutor General for the State by contending that the offence which they have committed is affecting the society at large.

Heard arguments and perused the record.

The complainant is not an eyewitness to the incident. The names of the applicants do not appear in the FIR, though it is lodged with a delay of about 05 hours. The applicants have been involved in the commission of the incident based on their admission to guilt before the police which could hardly be used as evidence against them in terms of Article 39 of Qanun-e-Shahadat Order, 1984. The applicants have not been subject to an identification parade through P.W Mst. Lubna; such omission could not be lost sight of. Co-accused Mst. Noreen has already been admitted to bail by this Court. Moreover, complainant Imran

Khan by filing his affidavit before the learned trial Court has recorded no objection to the release of the applicants on bail by declaring them to be innocent impliedly. The case has finally been challaned and there is no likelihood of absconsion or tampering with the evidence on the part of the applicants. In these circumstances, a case for the release of the applicants on bail on the point of further inquiry is made.

In the case of *Muhammad Najeeb Vs. The State (2009 SCMR-448)*, it has been held by Apex Court that;

*“complainant initially had nominated the accused in the FIR but later-on through an affidavit he has expressed his satisfaction with regard to innocence of the accused, the case of the accused was of further enquiry”.*

Under the given circumstances, the applicants are admitted to bail subject to their furnishing surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each and P.R bond in the like amount to the satisfaction of the learned trial Court.

Instant bail application is disposed of accordingly.

**J U D G E**

Nadir