

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.190 of 2025

Applicant : Danish Ali son of Shabbir Hussain
through Mr. Muhammad Naseeruddin,
Advocate

Respondent : The State
through Mr. Zahoor Shah, Additional P.G.
Sindh.

Complainant : Shahzad Ahmed
through Ms. Shaista Qaiser, Advocate.

Date of hearing : 26.03.2025

Date of order : 09.04.2025

ORDER

KHALID HUSSAIN SHAHANI, J. – The applicant Danish Ali seeks post-arrest bail in connection with case bearing crime No. 663/2024 offence u/s 379 PPC of P.S. Darakshan. His previous bail pleas were declined by the learned Judicial Magistrate, South Karachi and learned XI Additional District & Sessions Judge, South Karachi, vide orders dated 18.12.2024 and 06.01.2025 respectively.

2. The prosecution's case, in summary, is that on 15.11.2024, the complainant attended a funeral at Khayaban-e-Sehar, Phase-V, DHA Karachi, along with his relatives. At the time, the complainant was carrying two mobile phones, an iPhone and a Samsung Note 20, as well as Rs. 500,000 in cash. During the funeral proceedings, these items were allegedly stolen by an unidentified person. CCTV footage later revealed that an individual wearing a blue Shalwar Kameez brushed against the complainant during the lifting of the Janaza. This individual was observed discreetly removing the phones and cash before fleeing in a Suzuki Wagon-R bearing registration number ATT-451 (Islamabad). The vehicle was registered in the name of Mst. Shaheena, wife of Rana Asghar Hussain (Applicant). Based on this information, the complainant proceeded to file the FIR.

3. The applicant's counsel argued that the accused has been falsely implicated due to ulterior motives, citing personal enmity with the complainant, who is his neighbor. He contended that the courts below rejected the bail application without adequate reasoning. The defense highlighted that the accused's name was not mentioned in the FIR and claimed that Section 379 PPC is not applicable in this case. Additionally, no stolen property was recovered from the accused, and the alleged offense does not fall under the prohibitory clause of Section 497(1) Cr.P.C. Thus, the applicant seeks bail.

4. On the other hand, the learned APG duly assisted by the complainant's counsel, vigorously opposed the bail request. They argued that the accused has not provided credible evidence of hostility with the complainant. Had there been animosity, the complainant would have directly named the accused in the FIR. Instead, the FIR was filed against an unknown individual based solely on CCTV footage. The prosecution further stated that the CCTV footage clearly captures the accused at the scene. Furthermore, the accused returned the stolen mobile phones via TCS courier to Syed Taimoor Ahmed, a relative of the complainant. Courier receipts bearing the accused's name substantiate this. The accused has not offered any reasonable justification for initially keeping and later returning the stolen items, weakening his defense.

5. Although there was a delay of three days in registering the FIR, such delay is considered justifiable under the circumstances. The complainant initially filed the FIR against an unknown person, and it was only after viewing the CCTV footage that a description of the suspect could be provided. Therefore, the delay does not adversely affect the credibility of the prosecution's case.

6. The claim by the APG that the accused returned the stolen items via courier service remains uncontested. The defense has failed to present a plausible explanation for the accused's possession and return of the items. Police records confirm the return through courier, and the accused's involvement in eleven similar cases seriously undermines his credibility. Thus, the matter does not warrant further inquiry under Section 497(ii) Cr.P.C.

7. Given these circumstances, there appear to be reasonable grounds to believe the accused was involved in the theft. There is no suggestion of enmity between the parties, and the recovery of the stolen property supports the prosecution's narrative. Accordingly, the present bail application lacks merit and is hereby dismissed.

J U D G E

Shahbaz/PA