

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1047 of 2025

Applicant : Shahid Hussain son of Nazeer Hussain,
through Mr. Rao Shahzad Khan, Advocate

Respondent : The State
through Mr. Muhammad Mohsin, APG Sindh

Date of hearing : 19.05.2025

Date of order : 19.05.2025

ORDER

KHALID HUSSAIN SHAHANI, J. Applicant, Shahid Hussain seeks post-arrest bail in a case bearing crime No.288/2024 registered at Police Station Shahrah-e-Noor Jehan, Karachi, offence under Sections 392 & 411 PPC. His earlier application for bail was declined by the learned Additional Sessions Judge-IV, Karachi Central, vide order dated 11.10.2025.

2. The prosecution case, as narrated in the FIR, is that on 01.06.2024 at about 4:30 p.m., near Arched School, Sector 14/B, Shadman Town, Karachi, three unknown assailants, armed with weapons, allegedly intercepted and robbed the complainant Aslam and another individual, Umair. It is stated that the accused forcibly snatched their mobile phones and also commandeered a Suzuki Pickup bearing registration No.KZ-21-9485, which contained a Dawlance brand refrigerator. The culprits managed to flee from the scene, and the FIR was subsequently lodged by the complainant on the basis of these allegations.

3. Learned counsel contended that the applicant has been falsely implicated in the instant case due to mala fide intention and ulterior motives. He submitted that no incriminating article has been recovered from the possession of the applicant to connect him with the alleged crime. It was further urged that the offence, in the circumstances of the case, does not fall within the ambit of the prohibitory clause of Section 497(1) Cr.P.C. and, therefore, the case is fit for grant of bail.

4. Conversely, the learned Assistant Prosecutor General opposed the bail application, asserting that there is sufficient material available on record connecting the applicant with the alleged offence. Nonetheless, he

conceded, albeit reluctantly, that apart from a confession allegedly made before the police, there is no other substantive material directly linking the applicant to the crime.

5. Perusal of the record reveals that the name of the applicant does not find mention in the FIR, nor does the same disclose any specific description (hulliya) of the perpetrators. Admittedly, no identification parade was conducted to establish the applicant's involvement in the offence. As noted by the learned A.P.G., the only piece of evidence ostensibly relied upon by the prosecution is a confessional statement purportedly made by the applicant before the police, which ex facie lacks evidentiary value in terms of Articles 38 and 39 of the Qanun-e-Shahadat Order, 1984, and its admissibility would be subject to scrutiny at the trial stage. It is further noted that the investigation has been concluded and the final challan has been submitted before the competent court of law. Thus, the applicant is no longer required for investigative purposes.

6. In view of the foregoing circumstances and considering the fact that the prosecution's case, at this stage, calls for further inquiry within the contemplation of Section 497(2) Cr.P.C., the applicant has succeeded in making out a case for grant of bail. Accordingly, he is admitted to bail, subject to his furnishing a solvent surety in the sum of Rs. 100,000/- (Rupees One Hundred Thousand only) and a personal bond in the like amount to the satisfaction of the learned trial Court.

7. Needless to mention, the observations made herein are tentative in nature and shall not, in any manner, prejudice the merits of the case during the course of trial.

J U D G E