

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 824 of 2025

Applicant : Sayed Mohsin Zaman Shah son of Sayed Zaman Shah
Through Mr. Raja Rizwan Thebo, Advocate

Respondent : Mr. Muhammad Mohsin, APG

Date of hearing : 30.04.2025

Date of order : 30.04.2025

ORDER

KHALID HUSSAIN SHAHANI, J. – The applicant, Sayed Mohsin Zaman Shah, seeks post-arrest bail in Crime No. 89 of 2025, registered at Police Station Malir City, Karachi, for offences under Sections 392, 397, and 34 PPC. His application for bail was declined by the learned Additional Sessions Judge-VIII, Malir, Karachi, vide order dated 07.03.2025.

2. As per prosecution theory, on 08.02.2025 at about 10:30 p.m., in front of House No. 248-A, Musharat Colony, Malir City, Karachi, two unknown armed assailants allegedly committed robbery by snatching motorcycle bearing registration No. KEY-4614 from the complainant, Muhammad Abid. Consequent upon; case was registered inter alia on above facts.

3. Learned counsel contends, the applicant has been falsely implicated in this case due to malafide intention. It is argued that there is an unexplained delay of 13 days in the lodging of the FIR, which was registered on 21.02.2025. He further submitted that the alleged recovery of the motorcycle has been foisted upon the applicant. Learned counsel emphasized that the offence under Section 392 PPC carries lesser punishment and therefore does not fall within the prohibitory clause of Section 497(1) Cr.P.C, warranting grant of bail.

4. Conversely, the learned A.P.G. opposed the bail plea but conceded that the minimum punishment under Section 392 PPC is three years and also pointed out that ingredients attracting Section 397 PPC appear to be lacking in the present case.

5. Perusal of the FIR reveals that neither the name nor the description (hullia) of the applicant or any of the alleged culprits was mentioned therein. The delay of 13 days in the registration of FIR remains unexplained. No identification parade has been conducted, as conceded by the learned A.P.G. Furthermore, the FIR was registered at 11:00 a.m. on 21.02.2025, while the arrest of the applicant along with recovery of the motorcycle is shown at 1300 hours the same day. Such proximity of timing and alteration in figures raises doubts about the authenticity of the events narrated. It is a well-settled principle that in bail matters, the nature of the offence and its corresponding punishment are to be given due consideration. At best, the offence under Section 392 PPC is attracted, which carries a maximum punishment of ten years but a minimum of three years and while deciding bail, a minimum punishment provided for the offence is taken into account. Thus, the case does not fall within the ambit of the prohibitory clause. The case has been challaned and the applicant is no longer required for investigative purposes.

6. Given the above, the applicant has made out a case of further inquiry within the contemplation of Section 497(2) Cr.P.C. Accordingly, he is admitted to post-arrest bail, subject to his furnishing a solvent surety in the sum of Rs.100,000/- (Rupees One Lac only) and a personal bond in the like amount to the satisfaction of the learned trial Court. Needless to state, the above observations are tentative in nature and shall not influence the trial Court at the time of final adjudication.

J U D G E