

IN THE HIGH COURT OF SINDH, AT KARACHI

Cr. Bail Application No. 552 of 2025

Present:

**Justice Zafar Ahmed Rajput
Justice Ms. Tasneem Sultana**

Applicant : Sohail Ahmed s/o. Saleh Muhammad,
through Mr. Hafiz Abdul Rahim Abid, Advocate.

Respondent : The State, through Mr. Ali Haider Saleem,
Additional Prosecutor General, Sindh

Date of hearing : 14.04.2025
Date of order : 14.04.2025

O R D E R

ZAFAR AHMED RAJPUT, J:- Through instant Criminal Bail Application, applicant/accused Sohail Ahmed s/o. Saleh Muhammad seeks post-arrest bail in Crime No. 80/2023, registered under sections 324, 353, 186, 411, 427, 34 P.P.C. read with Section 7 and 21-L of Anti-Terrorism Act, 1997 at P.S. Shah Faisal Colony, Karachi. His earlier application for the same relief in Special Case No. 178/2023 was dismissed by the learned Anti-Terrorism Court No. XIII, Karachi, vide order dated 18.02.2025.

2. Brief facts of the case, as per F.I.R. lodged on 18.02.2023 at 0505 hours by the complainant ASI Mirza Ikram Baig of P.S. Shah Faisal Colony, Karachi, are that on the said date he along with his sub-ordinate staff during patrolling reached Shah Faisal Colony Block-1 near Punjab Ground, Karachi where Abdullah bin Jehangir informed him that two persons on a motorcycle robbed his wallet on show of weapons. Police party and victim chased and saw the accused persons, who seeing them made straight firing on them with their weapons with intention to commit their murder, out of which, two bullets hit their mobile. The police party also made firing in retaliation; resultantly, one of the accused received firearm injury and he fell down on ground, while the other made his escape good by taking advantage of darkness. Police apprehended the injured accused, who disclosed his name as Malik Kashif @ Tenda s/o Muhammad Anwar and name of his absconding companion as Sohail @ Doctor s/o. Mohammad Saleh (*applicant*). Police recovered from arrested accused one unlicensed pistol of 30 bore alongwith magazine containing three live bullets, robbed wallet of victim containing cash of Rs. 2,300/- and

colour copy of victim's CNIC, and secured from the place of incident empties and motorcycle bearing No.KKK-3162. On enquiry from CPLC, it transpired that the recovered motorcycle was stolen from Shah Faisal Colony and such FIR No.73/2023 was registered under section 381-A, PPC at P.S. Shah Faisal Colony. The injured accused was sent to Jinnah hospital for treatment and instant F.I.R. was lodged.

3. Learned counsel for the applicant has contended that the applicant is innocent and has falsely been implicated in this case; that the applicant has been arrested in the alleged offence on the basis of statement of arrested co-accused, which is inadmissible under Qanun-e-Shahadat Order, 1984; that no specific role has been attributed to the applicant in the commission of alleged offence and the allegations against him are general in nature; that the applicant has also been involved in a similar case bearing Crime No. 427/2023 registered under section 324, 353, 186, 34 P.P.C. at same P.S., wherein he has been granted post-arrest bail by the learned Vth Additional Sessions Judge, Karachi East, vide order dated 13.01.2025, passed in B.A. No. 795/2024.

4. Conversely, learned Addl. P. G. has opposed the grant of bail to applicant on the ground that he alongwith arrested co-accused robbed victim Abdullah and also made firing upon police party and caused damage to the police mobile; that the co-accused was also injured due to firing of the police in retaliation; however, the applicant succeeded to escape from the place of incident; that sufficient material is available with the prosecution to connect the applicant with the commission of alleged offence; hence, he is not entitled for the concession of bail.

5. We have heard learned counsel for the parties and perused the material available on record with their assistance.

6. It appears that applicant is confined in judicial custody since his day of arrest i.e. 11.05.2024 and police has already submitted challan; hence, his custody is no more required by the police for further investigation. It further appears that the applicant has been implicated in the instant case on the basis of the statement of co-accused which is inadmissible under Article 39 of the Qanun-e-Shahadat Order, 1984. It also appears that no identification test of the applicant through alleged victim has been conducted through

a Judicial Magistrate. Hence, the guilt of the applicant requires further inquiry as envisaged under subsection (2) of Section 497, Cr. P.C.

7. Accordingly, by allowing instant application, we admit the applicant to post-arrest bail in aforesaid crime/offence subject to furnishing by him solvent surety in the sum of Rs.1,00,000/- (Rupees One Hundred Thousand only) and PR bond in the like amount to the satisfaction of the trial Court.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant on merits and if applicant in any manner tries to misuse the concession of bail, it would be open for the trial Court to cancel his bail after issuing him the requisite notice.

9. Above are the reasons of our short order, dated 14.04.2025.

JUDGE

JUDGE

Athar Zai