

IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Application No. 813 of 2025

Cr. Bail Application No. 814 of 2025

Present:

Justice Zafar Ahmed Rajput

Justice Tasneem Sultana

Applicant : Arif Malik s/o Niaz Malik, through
Mr. Liaquat Ali Khan, Advocate.

Respondent : The State, through Mr. Mumtaz Ali
Shah, Asstt. Prosecutor General.

Date of hearing : **23.04.2025**

Date of order : **23.04.2025**

ORDER

TASNEEM SULTANA, J. By this single order, we intend to decide both listed bail applications, as they being arisen out of common impugned order, dated 13.02.2025, have been heard together.

2. Through these bail applications, applicant seeks post arrest bail in Crime/**FIR No. 1496 of 2023**, registered under Sections 365-A, 397, 109 and 34 PPC, read with Section 7 of Anti-Terrorism Act, 1997 ("the **Act**") at Police Station SITE Super Highway Industrial Area, Karachi and **FIR No. 1542 of 2023**, registered under Section 23(1)(a) of Sindh Arms Act, 2013, at Police Station Sachal, Karachi.

3. Precisely, the facts of the case are that complainant Mst. Amna Ali intended to sale her plot situated in a Gulshan-e-Maymar, therefore, her son, Mujtaba Ali, contacted a party. On 12.12.2023 at about 9.00 pm, one Kamran Pasha along with his accomplice (*applicant*) came and asked for finalization of deal at his house situated at Maymar gate No. 1; hence, she along with her said son, her brother Osama and Kamran Pasha and unknown person boarded in her car bearing Registration No. BEP-091

and reached Maymar More, Ahsanabad Road near Admore Petrol Pump at about 11.00 pm, where Kamran Pasha put a pistol on temple of her son and snatched their belongings viz; mobile phones, original CNICs, handbag of complainant containing Rs. 8,000-10,000/- and Rs.55,000/- from Osma; then they dropped her near Jamali Bridge, Scheme- 33 and took away her son along with her said car. For that on 13.12.2023, complainant lodged FIR No. 1496 of 2023. Thereafter, on 20.12.2023, the applicant was arrested by the police of P.S Sachal on being found in possession of one unlicensed 30 bore pistol along with loaded magazine and two live bullets; for that he was booked in a FIR No. 1542 of 2023.

4. Learned counsel for the applicant has contended that the applicant is innocent and has been falsely implicated in this case with mala fide intention and ulterior motives; that applicant is not nominated in FIR No. 1496 of 2023 and no direct or indirect evidence against him is available with the prosecution; that applicant was arrested from his house, nothing was recovered from him and the alleged arms has been foisted on him, therefore, matter calls for further probe; as such, he is entitled to bail.

5. Conversely, learned A.P.G has opposed the instant applications on the ground that sufficient evidence is available with prosecution to connect the applicant with the commission of alleged offences; that applicant failed to make out any ground for further enquiry, as such he is not entitled to the concession of bail.

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

7. It appears from perusal of the material available on record that it is further case of the prosecution that, after registration of FIR No. 1496 of 2023, the abductee was released from the captivity of the accused persons on payment of Rs. 12,00,000/- as ransom. On 20.12.2023, the alleged abductee appeared before the then I.O SIP Shujaat Hyder and informed him that the accused persons were demanding Rs. 5,00,000/- more. Hence section 365-A, PPC was added and the investigation was transferred to Inspector Shahzad Ali Khan of SSHIA, who arrested the applicant on 20.12.2023. Subsequently, the investigation of the case was assigned to AVCC/CIA, Karachi. On 28.12.2023, the applicant along with co-accused Adul Rehman, who introduced himself to complainant party as Kamran Pasha, pointed out to I.O the place where the alleged abductee was kept in captivity and they received ransom amount i.e. Rs. 12,00,000/- from his mother for his release. On 12.01.2024, the applicant and co-accused were identified by the complainant in identification test. The alleged abductee also got his statement recorded under section 164, Cr. P.C. The complainant also produced WhatsApp messages of accused persons demanding ransom for release of her son. It also reflects from the record that the applicant is the same person who was accompanied by the co-accused Abdul Rehman @ Kamran Pasha who showed his interest in purchasing complainant's plot and deceitfully took the complainant party at the place from where they robbed complainant party and abducted complainant's son. From the perusal of the record, it appears that *prima facie* the prosecution has sufficient material to connect the applicant with the commission of alleged offence, which under section 365-A, PPC read with 7 of the Act, carries death sentence or imprisonment for life.

8. As regard the case against the applicant under FIR No. 1542 of 2023, it appears that, on 20.12.2023, the applicant was arrested by the police of P.S Sachal on being found in possession of one unlicensed 30 bore pistol along with loaded magazine and two live bullets. The FSL report of alleged recovered arms is positive. He is involved in heinous offence of abduction for extortion money under Crime No. 1496 of 2023.

9. Applicant's claim with regard to his false implication in the instant cases is an issue that cannot be attended without going beyond the scope of tentative assessment, an attempt prohibited by law. From the tentative assessment of the evidence on record, it appears that the prosecution has sufficient evidence against the applicant to connect him with the commission of alleged offences under aforementioned F.I.Rs.; therefore, he is not entitled to the concession of post-bail; hence, we dismiss these criminal bail applications.

10. Needless to mention here that the observations made herein above are tentative in nature and would not influence the Trial Court while deciding the case of accused on merits.

11. These are the reasons of our short order dated 23.04.2025.

JUDGE

JUDGE

