

# IN THE HIGH COURT OF SINDH AT KARACHI

## Criminal Bail Application No. 730 of 2025

Applicant : Hasir Khan @ Essa Khan son of Bahram Khan  
Through Mr. Akhter Hakeem Kalwar, Advocate

Respondent : The State  
Through Ms. Rahat Ahsan, Addl. P.G Sindh.

Date of hearing : 02.05.2025

Date of order : 09.05.2025

## **ORDER**

**KHALID HUSSAIN SHAHANI, J.** – The applicant Hasir Khan @ Essa Khan seeks post-arrest bail in a case bearing Crime No. 541/2024, offence under section 397 & 34 R/w Section 411 PPC of P.S Boat Basin, Karachi. His plea for bail was declined by the learned Additional Sessions Judge-X South , Karachi, vide order dated 10.03.2025

2. The complainant Muhammad Hasnain Khokhar, a student, registered case that on 14.08.2024 at about 1540 hours, he along with his friend Hamza was riding home on a blue, unregistered Yadea Rusbin scooty. When they reached near Anti Park, Block No. 5, Clifton, Karachi, they were intercepted by a vehicle coming from behind, which was occupied by four unknown persons. One of the culprits, armed with a pistol forcibly snatched the complainant's scooty at gunpoint. Consequent upon; case was registered inter-alia on above facts.

3. The learned counsel contended that the applicant is innocent and has been falsely implicated in this case without direct evidence connecting him to the commission of the alleged offence. He emphasized that the name of the applicant does not appear in the FIR, and his involvement surfaced only after the alleged recovery of the snatched scooty. The learned counsel further submitted that the identification test parade conducted during the investigation was flawed and unreliable, arguing that it does not conform to the settled procedure and principles governing such exercises. He also pointed out material contradictions between the ocular version presented by the complainant in the FIR and the statements recorded during the course of evidence. In support of this contention, it was submitted that two prosecution witnesses, including the complainant himself, have been examined at trial, and their statements contain

significant inconsistencies which go to the root of the prosecution's case. The learned counsel further argued that no incriminating article was recovered from the applicant, and the scooter allegedly shown to have been recovered was foisted upon him with ulterior motives. On these premises, he prayed for grant of post-arrest bail.

4. Conversely, the learned APG opposed the bail application with vehemence. He submitted that the applicant is part of a gang of armed dacoits who were later apprehended by police, and during the course of investigation, the stolen scooter was recovered from the possession of the applicant. He contended that an identification test parade was held in accordance with law, and the complainant unequivocally identified the applicant as one of the perpetrators of the offence. The learned APG argued that at the stage of bail, the Court is not required to conduct a deeper appreciation of evidence or resolve contradictions, if any, in the prosecution case, and that sufficient material exists on record to connect the applicant with the offence. He therefore prayed for dismissal of the application.

5. Record reflects, the name of the applicant does not find mention in the FIR. His involvement was alleged only after the recovery of the scooter, which was claimed to have been snatched during the incident. Following the recovery, the applicant was subjected to an identification test parade, wherein he was duly identified by the complainant as one of the culprits involved in the commission of the offence.

6. The record further reflects that the prosecution has examined two witnesses, including the complainant, during the course of trial. The alleged contradictions and omissions in the testimonies of these witnesses, as pointed out by learned defence counsel, pertain to factual discrepancies which would require deeper appreciation of evidence, an exercise which is explicitly discouraged at the bail stage, as held by the Supreme Court in a catena of judgments.

7. It may further be noted that the case at hand falls within the purview of a scheduled offence, involving armed robbery, and the complainant's specific identification of the applicant during the test parade lends prima facie support to the prosecution case. The Court is also mindful of the principles which delineates the boundaries for judicial discretion at various stages of criminal proceedings, particularly with regard to bail decisions, emphasizing that where sufficient prima facie material connects the accused to the offence, the matter ought to be left for trial.

8. In the present matter, there is no denial of the fact that the complainant identified the accused in the identification parade test conducted shortly after the incident. The question of whether such identification was credible or otherwise shall be evaluated at trial. Moreover, the trial is at an advanced stage and nearing conclusion, thereby further diminishing any justification for the grant of bail at this stage. Hence, in view of the totality of the circumstances, the application does not merit consideration. Consequently, the bail application is dismissed. However, learned trial court is directed to conclude the trial preferably within a period of 45 days and submit such report to this Court through MIT-II. The observations made herein are tentative in nature and shall not prejudice the trial court in deciding the matter on merits.

**J U D G E**