

**IN THE HIGH COURT OF SINDH AT KARACHI**

Present

Mr. Justice Dr. Syed Fiaz ul Hassan Shah

**Cr. Bail Application No.1240 of 2025**

Applicant : Mujahid son of Shahid  
through Mr. Imtiaz Ali, Advocate

Respondent : For State:  
Ms. Seema Zaidi, Addl. P.G. Sindh

Date of Hearing : 10.07.2025

Date of Order : 10.07.2025

**ORDER**

**Dr. Syed Fiaz ul Hasan Shah, J** – Through this Bail Application, the applicant/ accused seeks post arrest bail in crime No.809/2024 registered at PS Shahrah-e-Faisal, Karachi under Sections 397/34 of PPC.

2. Brief facts of the case are that I ride a Rakshaw, as usual by picking and drop the passengers I arrived at Drig Road Main Station Road Shahrah-e-Faisal Karachi and by stopping my rakshaw waiting for passenger at about 0100 hours one motorcycle KIS-4913 upon which 2 young persons were boarded suddenly came and on the point of weapon has snatched my infinix smart, my wallet in which Rs.1100/- were lying, and fled away then I start to follow them while after few far way Mazaar Shah Bukhtiar one police mobile was standing in which HC Maqbool was seating on which I disclosed him that the two persons have snatched my cellphone and articles on

which with the help of police officials followed them and caught who disclosed their name as Mujahid S/o Shahid, 2)Fayyaz S/O Rehmatullah, while from the possession of Mujahid one 30 bore pistol was found and my stolen articles were also found however their motorcycle was checked on CPLC where record no found then I came at PS and lodge the instant Fir.

3. Heard learned counsel for applicant and learned Additional Prosecutor General and perused the material on record.

4. The allegation against the applicant is that he along with co-accused Fayyaz has robbed the complainant when he was waiting for passengers along with his Rickshaw and according to the contents of FIR and challan, Rickshaw driver/ complainant drove his Rickshaw by following the applicant who were escaped on 125 motorcycle. Police was engaged in snap checking and he got arrested the applicant and recovered one mobile phone and articles as well as motorcycle. As per the story, a Rickshaw cannot chase 125 motorcycle which is comparatively high speed.

5. On the other hand, the ownership of motorcycle 125 could not be determined and Police file is silent with regard to any letter addressed to MVA, Excise Department to inquire the actual owner of the said motorcycle. Although the I.O. has written in challan that motorcycle is stolen but again on this point investigation is silent about any FIR of theft regarding such motorcycle. This create serious doubt and raise question on the defective investigation. The charge has framed on 07.12.2024 and the matter is being lingered on, even

the learned trial Court has issued non-bailable warrants through SSP concerned on 03.02.2025, even then the prosecution has failed to produce any witness during such considerable delay while the applicant is being incarcerated and regularly attending courts under judicial custody without any fruitful progress. The prosecution has not shown apprehension that if the applicant is released, he will cause damage to the material evidence. The I.O. appeared before this Court has confirmed that the applicant has no previous criminal record in the city of Karachi. Therefore, the applicant is granted bail subject to his furnishing solvent surety in the sum of Rs.50,000/- to the satisfaction of the trial Court. Instant bail application is disposed of in the above terms.

Needless to state that the observations recorded above are tentative in nature and the trial Court shall not be influenced from it.

**JUDGE**

asim/PA