

IN THE HIGH COURT OF SINDH, AT KARACHI

Crl. Bail Application No. 1573 of 2025

Present Before:

Justice Zafar Ahmed Rajput

Justice Miran Muhammad Shah

Applicant : Yousuf s/o Hamza, through M/s. Ahsan Siyal & Zahid Ali Maitlo, Advocate.

Respondent : The State, through Mr. Abrar Ali Khichi, Addl. P.G.

Date of hearing : 18.08.2025

Date of order : 18.08.2025

ORDER

ZAFAR AHMED RAJPUT, J.- Through instant Crl. Bail Application, applicant/ accused Yousuf s/o Hamza seeks post-arrest bail in Crime No. 1656 of 2024, registered at P.S. Shah Latif Town, Karachi under sections 465, 365-A, P.P.C., read with section 7 of the Anti-Terrorism Act, 1997. His earlier application for the same relief in Special Case No. 29 of 2025 was dismissed by the Anti-Terrorism Court No. V, Karachi, vide order dated 31.05.2025.

2. Brief facts of the case, as per FIR lodged on 13.12.2024 by the complainant Muhammad Moosa, are that on 11.12.2024 at about 0625 hrs., when the complainant's father Abdul Haq @ Abdul Hakeem, 58, opened the gate of the house for going out to offer Fajar prayers and the complainant was at the gate to close it, one Vigo black-color vehicle was found standing there. Four identifiable persons alighted from the vehicle, who picked the complainant's father; put him forcibly in the vehicle and drove away towards Quaidabad; for that, the complainant lodged the FIR.

3. After hearing the learned counsel for the applicant as well as learned Addl. P. G and perusing the material available on record, it appears that after

lodging of FIR, the complainant received phone call from abroad disclosing the abductee in their possession and demanding Rs. 10,00,000/- as ransom for his release. Thereafter, police arrested co-accused Fareed Gul and Majid, who disclosed that the abductee was in wrongful confinement of Moiz and Salahuddin in a house located in Sherpao Colony. On their pointation, police raided the house; arrest co-accused Moiz and Salahuddin and recovered the abductee. The arrested accused disclosed in interrogation that the present applicant was also involved with them in commission of alleged offence.

4. It is an admitted position that there is no criminal record of the applicant, who was subsequently arrested by police on 12.01.2025 and since then he is confined in jail. It is also an admitted position that no identification test of the applicant has been conducted by the I.O. to identify, if he was one of the co-accused, who allegedly committed alleged offence. It is also an admitted position that co-accused Moiz, who was arrested on raid from hostage house, has been admitted to post-arrest bail. The applicant has been implicated in this case on the basis of statement of arrested co-accused, which is inadmissible under Article 38 of Qanun-e-Shahadat Order, 1984; as such, his case is on better footings for the grant of bail than the case of that co-accused Moiz, and the guilt of the applicant requires further inquiry as envisaged under sub-section (2) of Section 497, Cr. P.C. entitling him for the grant of bail

5. Accordingly, instant application is allowed; in result thereof, the applicant is admitted 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 Lac only*) and PR bond in the like amount to the satisfaction of the trial Court.

6. 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. However, in case the applicant misuses the concession of bail in any manner, the trial Court shall be at liberty to cancel the same after giving him notice, in accordance with law.

7. Above are the reasons of our short order dated 18.08.2025.

JUDGE

JUDGE

Athar Zai