

THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2194 of 2025

Applicant : Shaharyar son of Eid Muhammad
through Syed Safdar Ali Shah,
Advocate

Complainant : Ubaidullah Laghari son of Noor
Muhammad Khan Laghari through
Mr. Qadir Bux, Advocate

Respondent : The State, through Mr. Muhammad
Noonari, Assistant Prosecutor
General, Sindh

Date of hearing : 21.10.2025

Date of decision : 21.10.2025

ORDER

Jan Ali Junejo, J.- Through this application under Section 497 Cr.P.C., the applicant/accused, Sheryar S/o. Eid Muhammad, seeks post-arrest bail in Crime No. 546/2025 registered at Police Station Defence, Karachi, under Sections 365, 397 and 34 PPC.

2. Briefly stated, the FIR lodged on 17-07-2025 alleges that on 16.07.2025 at about 00:45 a.m., the complainant and his son Muhammad Ajmal Leghari were intercepted by the applicant and others, armed with firearms, who allegedly abducted the complainant's son and at gun-point snatched cash, an iPhone and a cheque book before fleeing in a white Corolla. The applicant was later arrested. His earlier bail application before the learned Additional Sessions Judge-III/Special Court (ARITA-2021), Karachi South was dismissed vide order dated 31-07-2025; hence, the present application.

3. Learned counsel for the Applicant argues that the FIR is a result of malafide intention and retaliatory motives stemming from a prior commercial dispute between the Applicant and the complainant's son concerning the sale of solar panels. He contends that cheque No.0000000009 amounting to Rs.16 lacs, issued by the complainant's son, was dishonoured on 15-07-2025—prior to the alleged incident—establishing a clear financial dispute. He further submits that the

Applicant had lodged a written complaint at the same police station on 11-07-2025 against the complainant's son for non-payment and issuing threats, which indicates that the FIR was subsequently lodged as a counterblast to that complaint. He argues that the prosecution's version—that eight armed men abducted one person and robbed another while travelling in a single Corolla car—is inherently improbable and inconsistent with common sense. He further submits that there was an unexplained delay of more than 40 hours in the registration of the FIR, despite the complainant claiming knowledge of the accused, which casts serious doubt on the veracity of the allegations. He contends that no recovery of any robbed article or weapon has been made, no CCTV footage is available despite the area being under surveillance, and the entire case rests merely on uncorroborated oral assertions. He lastly submits that the Applicant voluntarily joined the investigation, has no prior criminal record, and there exists no likelihood of his absconding or tampering with the prosecution evidence. On these grounds, he prays for grant of bail.

4. Conversely, learned counsel for the Complainant vehemently opposes the bail plea, contending that the Applicant has been specifically named in the FIR with a clear and active role in the commission of abduction and robbery. He asserts that the cheque relied upon by the Applicant was not issued in the course of a legitimate transaction but was obtained through coercion and threats. He further submits that the CCTV footage collected during investigation corroborates the prosecution's stance, and the abductee has not yet been recovered, which underscores the seriousness of the offence. He contends that the allegations attract severe penal consequences, and the case of the present Applicant does not fall within the purview of Section 497(2), Cr.P.C., hence he is not entitled to the concession of bail. Lastly, learned counsel for the Complainant prays for dismissal of the bail application.

5. Likewise, learned Assistant Prosecutor General also opposes the bail application, arguing that the Applicant is nominated with a specific role, and the allegations against him are supported by the statements of witnesses recorded under Section 161, Cr.P.C. He contends that the offence involves elements of abduction, robbery, and criminal intimidation, which are heinous in nature and punishable with severe sentences. He further submits that the investigation is still in progress, recovery of the abductee and the robbed property is yet to be effected, and releasing the Applicant on bail at this stage may prejudice the investigation and facilitate tampering with witnesses. He, therefore, prays for dismissal of the bail application.

6. I have heard the arguments advanced by the learned counsel for the Applicant, the learned counsel for the Complainant, and the learned Assistant Prosecutor General for the State, and have examined the material available on record with a tentative assessment, as permissible at this stage of bail. The record reflects that the FIR was lodged on 17.07.2025 at 05:55 p.m., alleging an incident that occurred on 16.07.2025 at about 12:45 a.m. The delay in lodging the FIR cannot be considered fatal at this stage, keeping in view the nature of the alleged offence involving the abduction of a young man at gunpoint and the robbery of valuables. In such cases, delay may reasonably occur due to the trauma and efforts made by the complainant to trace his son before resorting to legal proceedings. The Applicant is specifically named in the FIR, and a direct role of abduction and robbery is attributed to him. The contention that the story is improbable because eight persons could not fit into a Toyota Corolla is an argument that may be tested at the stage of trial, but at this juncture, it cannot displace the otherwise prima facie credible allegations made in the FIR. It is well-settled that at the bail stage, a tentative assessment is to be made, and deeper appreciation of evidence is not permissible. The Applicant's plea of mala fide arising from a prior commercial transaction and the alleged dishonour of cheque involves disputed questions of fact which require evidence and cannot be resolved at this stage. Furthermore, the abductee has not yet been recovered, and the investigation is still underway. The offences alleged under Sections 365 and 397, P.P.C. are serious and carry severe punishments. The recovery of the abductee and the determination of the truth regarding the alleged cheque and robbery are yet to be ascertained. The rule of consistency is also not attracted as the co-accused have not been granted bail. The plea that no recovery has been made from the Applicant does not, by itself, entitle him to bail where the direct role of abduction and robbery is attributed and the victim is still missing. The nature of the accusation, the severity of the offence, and the untraced status of the abductee constitute reasonable grounds for believing that the Applicant may be concerned in the commission of the offence, thereby disentitling him to bail under Section 497(1), Cr.P.C. It is also a settled principle that where the allegations reflect a serious offence against person and property involving abduction, the presumption of innocence, though existing, must be balanced with the gravity of the accusation and the potential threat to public safety. In such circumstances, the case does not fall within the scope of further inquiry under Section 497(2), Cr.P.C.

7. For the foregoing reasons and the tentative assessment of the material available on record, the Applicant has failed to make out a case

for the grant of post-arrest bail. Consequently, the instant Criminal Bail Application No. 2194 of 2025 filed on behalf of the Applicant being devoid of substantive merit is dismissed. The observations made herein are tentative in nature and confined solely to the purpose of this Order. They shall not prejudice or influence the learned trial Court while deciding the case on merits. These are the detailed reasons for the Short Order dated 21.10.2025.

JUDGE

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