

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI
Criminal Bail Application No. 2988 of 2025

Before:
Justice Zafar Ahmed Rajput, ACJ
Justice Jan Ali Junejo

Applicant : Bilal s/o. Muhammad Ibrahim,
Through Mr. Sohrab Ahmed Meo, advocate.

Respondent : The State, through Mr. Mumtaz Ali Shah, APG,
alongwith Inspector Mansoor of SIU.

Date of hearing : 02.12.2025
Date of order : 02.12.2025

ORDER

ZAFAR AHMED RAJPUT, ACJ:- Having been rejected his application for grant of post-arrest bail, vide order dated 27.10.2025, passed by the Anti-Terrorism Court No. VIII, Karachi (“**Trial Court**”) in Special Case No. 138 of 2014, arisen out of FIR No. 354 of 2025 registered at Police Station Garden, Karachi-South under sections 384, 385, 386, 324, 34, PPC read with section 7 of Anti-Terrorism Act, 1997 applicant, Bilal s/o. Muhammad Ibrahim, through instant Crl. Bail Application seeks the same relief from this Court.

2. Brief facts of the case, as narrated in the FIR lodged by the complainant Ashiq s/o. Ghulam Mustafa Chandio on 30.08.2025 are that, he is Chowkidar of Seth Muhammad Hanif Ghanchi and reside at his Plot bearing No. 181 GRW, Ghulam Hussain Qassim Road near Lyari Express Way Interchange Garden, Karachi. On 30.08.2025 at about 8:00 a.m. he opened the gate of the plot when two persons riding on a 125 motorcycle appeared and gave four chits of extortion to him and asked to give the same to the contractor with direction to him to contact on the number mentioned in the chits. Subsequently, they in order to kill opened firing on the Chowkidar and labourers, out of which one bullet hit on the right leg of SITE supervisor Jamil s/o. Abker, while another bullet hit left leg of labourer Jehangir s/o. Muhammad Asghar, whereafter the accused persons fled from the scene. Subsequently, the injured persons were brought to hospital. Police also

recovered empties from the crime scene² and thereafter FIR was lodged at PS Garden.

3. Learned counsel for the applicant contends that the applicant is innocent and has falsely been implicated in this case; that FIR has been registered against unknown persons without disclosing their description; that no independent witnesses has been cited as witness of the alleged incident; that no identification parade of the applicant through any of the eye witnesses has been held before concerned Judicial Magistrate; that no direct or indirect evidence is available with the prosecution to connect the applicant with the commission of alleged offence; that the applicant was arrested on 01.09.2025 at about 02:30 p.m. from his house and nothing incriminating was recovered from his possession; however, his arrest has been shown on 03.09.2025 in Crime No. 357/2025 registered under Section 23(1) A of Sindh Arms Act, 2013 at PS Garden, Karachi by foisting a 30 bore unlicensed pistol; that the investigation of the case in hand has already been completed and Challan has also been submitted; hence, the applicant is no more required for Investigation; that the applicant is behind the bars since last about 3 months but the trial has not been concluded; that the guilt of the applicant requires further inquiry entitling her to for bail.

4. Conversely, learned APG maintains that the applicant was arrested in another case and from his possession one unlicensed 30 bore pistol loaded with magazine containing four live bullets was recovered; that during interrogation of the said crime applicant admitted his involvement in the instant crime; that the pistol recovered from possession of applicant and empties secured from the crime scene were sent for forensic examination and the report of the Forensic Division Sindh, Karachi affirms that the empties were fired from the said pistol; that the applicant is also involved in other cases of similar nature; that sufficient material is available with the prosecution to connect the applicant with the commission of alleged offence; as such, he is not entitled to the bail.

5. Heard, record perused.

6. It is an admitted fact that the FIR was lodged against unknown persons, whereas none of the injured stated in 161 Cr.P.C. statement that they have seen the faces of the accused persons. Moreover, no identification parade of the applicant through complainant, injured persons or any eye witness of the incident has been held before concerned Judicial Magistrate. The applicant was allegedly arrested on 03.09.2025; however, the empties collected from the place of incident on 30.08.2025 and 30 bore pistol recovered from applicant on 30.09.2025 were sent to Forensic Division on 09.09.2025 i.e. after about six days, for which no plausible explanation has been furnished by the prosecution. The applicant is confined in judicial custody since the day of his arrest, whereas the I.O has submitted the challan; hence, the custody of the applicant is no more required for investigation. As such, case of the applicant is covered under sub-section (2) of section 497, Cr. P.C., requiring further inquiry into his guilt. Accordingly, the instant application is allowed and 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.100,000/- (*Rupees One Hundred Thousand Only*) and P.R. Bond for like amount to the satisfaction of trial Court.

7. Needless to mention here that 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 requisite notice, as per rules.

ACTING CHIEF JUSTICE

JUDGE

Athar Zai