

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

Criminal Bail Application No.2855 of 2025

Applicant : Noman son of Abdul Karim  
Through Mr. Waqar Ahmed Baloch,  
Advocate.

Respondent : The State  
Through Mr. Muhammad Noorani,  
Deputy Prosecutor General Sindh.

Complainant : Abdul Rehman  
Through Ms. Mehmooda Suleman  
Advocate.

Date of Hearing : 25.11.2025

Date of Order : 05.12.2025

**ORDER**

**TASNEEM SULTANA J:** Through this Criminal Bail Application, the applicant Noman seeks post-arrest bail in crime No.21 of 2025, registered at Police Station Saudabad, under Section 397/34 P.P.C. Having been rejected his earlier post arrest bail application by the learned 11th Additional Sessions Judge, Karachi, East, through Criminal Bail Application No.960 of 2025 vide order dated 09.10.2025, seeks same consession.

2. The brief facts of the prosecution case, as narrated by the complainant Abdul Rehman, are that on 18.01.2025, at about 1940 hours, he was standing near Gali Ghanchi Hall, Malir Colony, Karachi, talking on his purple-coloured Vivo touchscreen mobile phone, when two unknown young men riding a motorcycle approached him and on gunpoint forcibly snatched his mobile phone and fled from the scene. The complainant thereafter approached the Police Station and lodged the instant FIR requesting legal action against the unidentified culprits.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in this case with malafide intention; that the applicant was neither named nor described in the FIR which was against unknown culprits; that no identification parade was conducted; that essential particulars of the allegedly snatched

mobile phone have not been mentioned; that the alleged recovery is doubtful; and that the applicant, who is in custody for the last ten months, is entitled to bail on the ground of further inquiry.

4. Conversely, learned D.P.G., assisted by learned counsel for the complainant, opposed the plea and argued that the FIR was promptly lodged; that the applicant and co-accused were apprehended during police patrolling on the same day; that during interrogation they confessed their involvement; and that the allegedly snatched mobile phone was recovered from them, hence the applicant is not entitled to concession of bail.

5. Heard. Record perused.

6. From the material available record, it appears that the FIR was lodged against two unknown persons and does not contain any reference to the present applicant. It further appears that identification parade was not conducted to ascertain his involvement, particularly when the complainant had no prior acquaintance with the applicant. The FIR also omits the basic particulars of the allegedly snatched mobile phone, including its IMEI number and complete model, which prima facie casts doubt on the accuracy of the prosecution version. The alleged recovery is yet to be established through evidence at trial, the applicant was arrested during routine patrolling without association of any independent witness. The alleged admission before the police, being inadmissible unless duly corroborated, does not advance the prosecution case at this stage. In this backdrop, the material collected so far brings the matter within the scope of further inquiry under Section 497(2), Cr.P.C., entitling the applicant to bail as of right. Reliance is placed on the case of *Salman Mushtaq & others v. The State through P.G Punjab and another* (2024 SCMR 14) wherein Hon'ble Supreme Court has held as under:-

**“6. ....While considering the grounds agitated for enlargement on bail, whether pre-arrest or post-arrest, the atrociousness, viciousness and/or gravity of the offence are not, by themselves, sufficient for the rejection of bail where the nature of the evidence produced in support of the indictment creates some doubt as to the veracity of the prosecution case. Therefore, where, on a tentative assessment, there is no reasonable ground to believe that the accused has committed the offence, and the prosecution case appears to require further inquiry, then in such circumstances the benefit of bail may**

***not be withheld as a punishment to the accused.....”***

7. In view of the above facts and circumstances, the applicant has made out a case for grant of bail. Accordingly, the applicant is granted bail subject to furnishing solvent surety in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** and P.R. bond in the like amount to the satisfaction of the trial Court.

8. The applicant shall continue to attend the trial Court regularly and shall not misuse the concession of bail; any violation shall entail cancellation of bail in accordance with law. The observations made herein are tentative in nature and shall not prejudice either party at trial.

**J U D G E**