

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2776 of 2025

Noor ur Rehman urf Noor son of Iran Badshah....Applicant/Accused

Versus

The State.....Respondent

Date of Hearing : 03.11.2025

For the Applicant : Mr. Abdul Nabi Joyo, Advocate.

For the State : Ms. Rubina Qadir, D.P.G. a/w
SIP Tariq, P.S KIA.

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ORDER

TASNEEM SULTANA, J: The applicant seeks post-arrest bail in Crime No.1092 of 2025, registered at Police Station KIA Karachi under Sections 392, 397 and 34, PPC.

2. Briefly stated, the facts as narrated in the FIR are that on 03-09-2025 at about 3:30 p.m., the complainant, a rickshaw driver, was present at Sona Kanta Bilal Chowrangi, Korangi Industrial Area, when two unknown persons on a motorcycle allegedly snatched from him a sum of Rs.40,000/- at gunpoint. One of them, namely Gul Zaib s/o Ali Rehman, was apprehended on the spot with the help of the complainant's companion, while his alleged accomplice managed to escape. The arrested person is stated to have disclosed the name of his absconding associate as Noor s/o (name unknown), upon which the present applicant was later arrested on the pointation of the complainant.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated due to mala fide and ulterior motives of the complainant with the connivance of police. It is submitted that the entire case against the applicant rests solely on the disclosure of co-accused, which by itself is inadmissible under Articles 38 and 39 of the Qanun-e-Shahadat Order, 1984. It is further argued that there is no recovery of any looted property or weapon from the applicant, nor any identification parade was held to connect him with the occurrence. Learned counsel emphasized that the alleged occurrence took place on 03-09-2025 whereas the

applicant was arrested after inordinate delay of about 8-9 days without plausible explanation. It is urged that the FIR does not attribute any specific role of using weapon or snatching money to the present applicant; that the case rests upon doubtful and uncorroborated evidence; that the applicant, aged about 55 years, is a respectable person having no previous criminal record and is no more required for investigation, hence his continued detention serves no useful purpose.

4. Conversely, learned DPG for the State opposed the grant of bail by contending that the applicant is specifically named by co-accused, who was apprehended at the spot, and that the complainant as well as private witnesses in their statements under Section 161 Cr.P.C. have supported the prosecution version. It is argued that there is no allegation of enmity or personal grudge between the parties and that the case is at initial stage, therefore, the applicant is not entitled to the concession of bail.

5. Heard. Record perused.

6. From a tentative assessment of material available on record, it appears that the entire case against the present applicant hinges upon the disclosure statement of co-accused Gul Zaib, who was arrested at the spot. Such statement, being made before a police officer, is hit by Articles 38 and 39 of the Qanun-e-Shahadat Order, 1984, and is legally inadmissible unless supported by any independent corroboration. No recovery of the alleged snatched amount, weapon or any other incriminating article has been effected from the applicant. The FIR does not ascribe any overt act or specific role to the applicant of committing robbery or using weapon; his name surfaced subsequently on the disclosure of co-accused after delay of about nine days. In these circumstances, the case of the applicant requires further inquiry within the contemplation of Section 497(2) Cr.P.C. and the question of his guilt or otherwise is yet to be determined after recording of evidence at trial. When the case calls for further inquiry into guilt of accused within the meaning of Section 497(2) Cr.P.C., the accused is entitled 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. For the foregoing reasons and without touching the merits deeper, the applicant Noor-ur-Rehman urf Noor was admitted to post-arrest bail in the aforesaid crime 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 by a short order dated 03.11.2025 and these are the reasons for the same.

8. The observations made herein are purely tentative in nature and shall not prejudice the case of either party at the trial.

JUDGE

Ayaz Gul