

PRESENTED ON
17-02-2025

Tahir

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Deputy Registrar No. 11 954

IN THE HIGH COURT OF SINDH AT KARACHI

Crl. B.A NO. 142 /2025

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Ajab S/o. Abdul Karim,
Muslim, Adult, R/o. Karachi, Presently Confined
in Malir Jail, Karachi.....Applicant/Accused

VERSUS

The State.....Respondent

FIR No.2118/2024
U/S: 397/34 PPC
P.S. Sachal, Karachi

BAIL APPLICATION U/S 497 CR.P.C, 1898



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ORDER SHEET
THE HIGH COURT OF SINDH AT KARACHI
Crl. Bail Application No.442 of 2025

Applicant : Ajab son of Abdul Karim
Through Khawaja Muhammad Azeem,
advocate for Applicant/accused.

Respondent : The State
Through Mr. M. Raza, Dy. Prosecutor General

Date of Hearing : 14.03.2025

Date of Order : 21.03.2025.

ORDER.

Jan Ali Junejo, J.— The present Criminal Bail Application has been filed on behalf of the Applicant/Accused, who is seeking post-arrest bail in connection with a case stemming from FIR No.2118 of 2024, registered at P.S. Sachal, Karachi, under Sections 397/34, PPC. The Applicant/Accused initially approached the learned Sessions Court by filing Bail Application No.235 of 2024, which was subsequently dismissed by the Court of the learned VIIth Additional Sessions Judge, Malir Karachi, vide Order dated 25-01-2025.

2. The facts relevant to the present criminal bail application are as follows:

"The FIR lodged by complainant Sohail Khalid Qureshi at P.S. Sachal states that on 20.12.2024, at around 1330 hours, he was robbed by three individuals on a motorcycle near Bando Khan Hotel. Two of the assailants brandished pistols and snatched his REALME mobile phone, purse containing his CNIC, ATM cards, and approximately 700-800 rupees in cash. Upon seeing a police mobile, Qureshi alerted SI Sain Bukhsh, who, along with his staff, chased and apprehended two of the suspects after they fell from their motorcycle (bearing registration BRW-8171). One suspect escaped. The arrested individuals, Ajab and Hikmatullah, were found in possession of unlicensed 30-bore pistols with live ammunition, and Qureshi's stolen mobile phone was recovered from Ajab. Both sustained minor injuries during the arrest. The accused were taken into custody, and the recovered items were sealed and documented. Qureshi accused them of armed robbery and requested legal action."

3. The learned counsel for the applicant argued that the accused is innocent and falsely implicated, with no recovery directly linked to him,



claiming the recovery was fabricated and the arrest was made at his house under duress, resulting in injuries. They emphasized that the alleged offense does not fall under the prohibitory clause of Section 497(1) Cr.P.C, as it does not involve death, life imprisonment, or over ten years of rigorous imprisonment, citing precedents like *Tariq Bashir v. The State* and *Muhammad Saeed Mahdi v. The State* to assert that bail should be granted as a rule in such cases. They also highlighted the absence of independent witnesses, violations of Section 103 Cr.P.C, and the principle of "bail, not jail," arguing that the accused's prolonged detention serves no purpose and that the prosecution's case requires further inquiry under Section 497(2) Cr.P.C. Additionally, they contended that the lower court's order was non-speaking and illegal, failing to consider the defense's arguments, and stressed the presumption of innocence until proven guilty. In light of the above arguments and case laws, he prays that this Honorable Court may be pleased to grant bail to the applicant in the interest of justice.

4. In contrast, the learned Deputy Prosecutor General (DPG) opposed the bail, arguing that the accused was directly involved in the armed robbery, with recoveries of weapons and stolen items made from him. They asserted that the offense, involving the use of firearms, falls under Section 397 PPC, attracting the prohibitory clause of Section 497(1) Cr.P.C, making bail inadmissible. The DPG maintained that the prosecution's case is strong, supported by evidence and witness testimony, and that the accused's release could jeopardize the trial and public safety. They urged the court to dismiss the bail application, emphasizing the gravity of the offense and the need for a thorough trial to determine guilt.

5. I have given due consideration to the arguments advanced by the learned counsel for the applicant/accused, as well as the learned Deputy Prosecutor General. Furthermore, I have meticulously examined the



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material available on record with utmost care and judicial prudence. After thoroughly evaluating the arguments presented by both parties and carefully reviewing the evidence on record, this Court perused the Criminal Record Office (C.R.O) report for the applicant, which revealed no prior criminal record except for the current case. The applicant is a first-time offender. Since the challan has already been submitted, and the applicant has been in judicial custody for nearly three months, his continued physical detention is no longer necessary for investigative purposes. Given these circumstances, the applicant is entitled to the concession of bail at this stage.

6. For the reasons outlined above, the current bail application submitted on behalf of the applicant/accused is granted as prayed. The applicant/accused is hereby granted bail on the condition that he furnishes a solvent surety of Rs.100,000 (Rupees One Hundred Thousand) to the satisfaction of the learned trial Court, along with a P.R. bond for the same amount. The observations made in this Order are limited to the adjudication of this bail application and will not affect the rights of either party during the trial. These are the reasons for the short Order dated: 14-03-2025.


JUDGE