

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.3137 of 2025
Criminal Bail Application No.2327 of 2025

Applicants : Muhammad Rehan @ Kaka S/o.
Naik Zaman Through: Mr.
Muhammad Naseeruddin, Advocate

Moinuddin S/o. Abdul Malik,
Through: M/s. Chand Bibi and M.
Arsalan Hussain, Advocates

Complainant : Mujahid Hussain, Through:
Mr.Muhammad Jawaid Tanoli,
advocate

The State : The State: Through Mr. Zahoor Shah,
Additional Prosecutor General,
Sindh

Date of hearing : 20.02.2026

Date of Order : 12.03.2026

ORDER

Jan Ali Junejo, J:- Through this common order, I intend to decide Criminal Bail Application No.3137 of 2025 filed by applicant Muhammad Rehan @ Kaka and Criminal Bail Application No.2327 of 2025 filed by applicant Moinuddin, arising out of the same FIR No.198/2025 registered at P.S. Docks, District Keamari. Both applicants seek post-arrest bail under Section 497 Cr.P.C., after their bail applications were declined by the learned Xth Additional Sessions Judge, Karachi West vide orders dated 31.10.2025 and 06.08.2025 respectively.

2. Briefly, the complainant Mujahid Hussain lodged FIR on 16.04.2025 stating that on 14.04.2025 at about 6:00 p.m., his nephew Rajab Ali, aged about 16 years, left home to purchase grocery items

but did not return. After search and inquiry, FIR was registered against unknown persons under Sections 365/34 PPC and Sections 3/4 of the Prevention of Trafficking in Persons Act, 2018. During investigation, both present applicants along with co-accused were implicated. It is alleged that the accused persons abducted the minor, subjected him to unnatural offence, and thereafter caused his death by firearm. The postmortem report confirms that death occurred due to multiple firearm injuries resulting in hemorrhagic shock. A 9mm pistol was recovered from applicant Rehan and sent for forensic examination. Statements of witnesses under Section 161 Cr.P.C. were recorded implicating the accused persons.

3. Learned counsel for Applicant Muhammad Rehan @ Kaka contended that the applicant was not nominated in the FIR and has been falsely implicated due to previous enmity, as he had earlier lodged FIR No.405/2024 against the complainant party. It was argued that recovery is foisted, statements under Section 161 Cr.P.C. have no evidentiary value, and the case calls for further inquiry under Section 497(2) Cr.P.C. It was submitted that the applicant is no more required for investigation and prayed for grant of bail.

4. Learned counsel for Applicant Moinuddin submitted that the applicant Moinuddin was neither nominated in the FIR nor any recovery was effected from him. His name was initially placed in Column No.II of the challan due to insufficient evidence, and only on the basis of statement of co-accused he was implicated. It was argued that no specific overt act of firing has been attributed to him;

no DNA or medical evidence connects him with the offence; and the alleged weapon was recovered from co-accused Rehan. It was further submitted that investigation is complete, challan has been submitted, trial may take considerable time, and the case falls within the ambit of further inquiry. Prayer was made for grant of bail.

5. Learned counsel for the complainant opposed both applications and submitted that the offence involves abduction and brutal murder of a minor boy. He argued that applicant Rehan has been assigned the specific role of firing fatal shots and weapon has been recovered from him. As regards applicant Moinuddin, it was submitted that he actively participated in abduction and commission of offence in furtherance of common intention under Section 34 PPC. It was contended that gravity of offence and available material disentitle both applicants from the concession of bail. Prayer was made for dismissal of both applications.

6. Learned Additional Prosecutor General adopted the arguments of complainant's counsel and submitted that the offences fall within the prohibitory clause of Section 497(1) Cr.P.C. He argued that statements under Section 161 Cr.P.C., recovery of weapon from Rehan, medical evidence confirming firearm death, and inculpatory statement of co-accused constitute sufficient material to form reasonable grounds for believing that both applicants are involved. It was submitted that the opinion of the Investigating Officer placing one accused in Column No.II is not binding upon the Court. Prayer was made for dismissal of both bail applications.

7. I have considered the arguments advanced by learned counsel for the parties and perused the available record with their assistance. The applicants are charged under Sections 365 and 302 PPC read with Sections 3/4 of the Prevention of Trafficking in Persons Act, 2018. Section 302 PPC carries punishment of death or imprisonment for life and squarely falls within the prohibitory clause of Section 497(1) Cr.P.C. Therefore, bail can only be granted if the case calls for further inquiry within the meaning of Section 497(2) Cr.P.C. As regards applicant Muhammad Rehan, the record reveals that he has been assigned a specific role of firing at the deceased. The postmortem report confirms multiple firearm injuries as cause of death. A 9mm pistol was recovered from his possession soon after arrest and sent for forensic analysis. At bail stage, such recovery coupled with medical evidence constitutes strong incriminating material. The gravity of allegation against him is direct and specific. At bail stage, deeper appreciation of evidence is not permissible; only tentative assessment is required. Regarding the inculpatory statement of co-accused, it is correct that a statement made before police is not substantive evidence. However, under Article 43 of the Qanun-e-Shahadat Order, 1984, when more persons are tried jointly, a confession made by one affecting himself and others may be taken into consideration as corroborative or circumstantial evidence. Though limited in evidentiary value and requiring corroboration at trial, at bail stage it can be looked into for forming a tentative opinion. In the present case, prosecution case does not rest solely upon such statement; rather it is supported by statements under

Section 161 Cr.P.C., recovery of weapon (in case of Rehan), medical evidence confirming firearm injuries, and surrounding circumstances.

8. As regards applicant Moinuddin, it is a matter of record that he was arrested while sitting with co-accused persons. There is no material on record to show that he abducted the victim, subjected him to unnatural lust or fired upon him. The specific acts of abduction and firing are attributed to co-accused Rafiq son of Shafiq, Muhammad Rehan @ Kaka and Ali Raza. Furthermore, the Call Detail Record (CDR) collected by the Investigating Police Officer, prima facie, reflects that at the relevant time applicant Moinuddin was present at his residence situated at Machhar Colony and not at the place of incident. No recovery has been effected from the applicant. His mere arrest in the company of the co-accused, without any specific overt act attributed to him, at this stage creates doubt necessitating a deeper appreciation of evidence. In these circumstances, I am of the tentative view that the role assigned to the applicant Moinuddin requires further inquiry within the meaning of Section 497(2), Cr.P.C.

9. The plea of delay in lodging FIR loses significance as FIR was registered against unknown persons in a missing situation. The plea of previous enmity is a defence requiring evidence and cannot be conclusively examined at this stage. The offence alleged is heinous involving abduction and cold-blooded murder of a minor. The manner of commission and gravity of offence have serious societal

impact. At this stage, sufficient material exists to form reasonable grounds for believing that the Applicant Muhammad Rehan @ Kaka is connected with commission of the offence. His case does not appear to fall within the ambit of further inquiry under Section 497(2) Cr.P.C.

10. For the foregoing reasons, and upon a tentative assessment of the material available on record, I am of the considered view that reasonable grounds exist to believe that the applicant Muhammad Rehan @ Kaka is guilty of offences falling within the prohibitory clause of Section 497(1), Cr.P.C. Conversely, the applicant Moinuddin is found entitled to the concession of bail. Accordingly, Criminal Bail Application No. 3137 of 2025 filed by Muhammad Rehan @ Kaka is dismissed, whereas Criminal Bail Application No. 2327 of 2025 filed by Moinuddin is allowed. He is admitted to bail subject to furnishing solvent surety in the sum of Rs.300,000/- (Rupees Three Hundred Thousand only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court. The observations made herein are tentative in nature, solely for the purpose of deciding these bail applications, and shall not prejudice the learned trial Court in determining the case strictly on its own merits.

JUDGE