

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2676 of 2025

Applicant : Faizan Habib
Son of Habib ur Rehman
Through M/s. Ahmer Jamil Khan
and Muhammad Arif Khan,
advocates

Complainant : Muhammad Ahmed
Son of Mian Dad
Through M/s. Munsif Jan and
Muhammad Imran Advocates

The State : The State: Through Ms. Seema Zaidi,
Additional Prosecutor General,
Sindh

Date of hearing : 09.03.2026

Date of Order : 09.03.2026

ORDER

Jan Ali Junejo, J:- Through this order, I propose to decide the instant Criminal Bail Application filed by the Applicant, Faizan Habib, seeking his release on bail on statutory grounds in connection with FIR No. 172/2022, registered under Sections 302, 397 and 34 of the Pakistan Penal Code at Police Station Gabol Town. The Applicant had earlier approached the Court of the learned VIIIth Additional Sessions Judge/MCTC, Karachi-Central, by filing a bail application in Sessions Case No. 801 of 2023, which was dismissed vide order dated 28-03-2025.

2. Brief facts of the case, as reflected from the FIR, are that on 17.10.2022 the complainant Muhammad Ahmed along with his cousin Muhammad Hanif withdrew an amount of Rs.1,000,000/- from a bank at Nagan Chowrangi and while returning on a motorcycle, when they reached near Shaheen Bakery, Sector 15-B, Buffer Zone, North Karachi, they were intercepted by two unknown

motorcyclists who attempted to snatch the key of their motorcycle. Upon resistance, the culprits fired a shot and kicked their motorcycle due to which both riders fell down. As a result of the fall, Muhammad Hanif sustained severe head injuries and later succumbed to the same at Abbasi Shaheed Hospital. During the incident, an amount of Rs.3,50,000/- was also snatched by the assailants who fled from the scene. On the basis of the statement of the complainant, the above FIR was registered against unknown accused persons for offences punishable under Sections 302/397/34 PPC.

3. Learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case. He contended that the applicant has been in custody since 10.02.2023 and the trial has not concluded despite lapse of more than two years, therefore he is entitled to bail on statutory grounds under Section 497(1)(b) Cr.P.C. It was further argued that out of 27 prosecution witnesses not a single witness has been examined and the delay in conclusion of trial cannot be attributed to the applicant. Learned counsel also submitted that the applicant is not previously convicted and is ready to furnish surety to the satisfaction of the Court. Lastly, he prayed that the applicant may be admitted to bail on statutory grounds of delay in conclusion of trial.

4. Conversely, learned Additional Prosecutor General, Sindh as well as learned counsel for the complainant vehemently opposed the bail application and submitted that the applicant is involved in a heinous offence of murder committed during robbery which resulted in the death of an innocent person. It was contended that the applicant is prima facie connected with the commission of the offence and the case falls within the prohibitory clause of Section 497 Cr.P.C. They further argued that similar pleas regarding delay in trial have already been considered and rejected by the competent Courts earlier and no fresh ground has been brought on record

warranting reconsideration of the matter. They therefore prayed that the instant bail application may be dismissed.

5. I have given anxious consideration to the arguments advanced by learned counsel for the parties and have carefully perused the available record. Admittedly, the applicant is facing trial for offences punishable under Sections 302 and 397 PPC which fall within the prohibitory clause of Section 497 Cr.P.C., carrying severe punishment. The allegations against the applicant relate to an incident of robbery which resulted in the death of the complainant's cousin due to injuries sustained during the occurrence. The material collected during investigation prima facie connects the applicant with the commission of the alleged offence. The sole ground pressed by learned counsel for the applicant is the statutory delay in conclusion of trial. However, the record reflects that similar plea has earlier been considered by the competent Courts including this Court while dismissing bail applications of the applicant and his co-accused. The learned trial Court has also declined the request for bail on the same ground after observing that the issue of delay had already been adjudicated upon by this Court.

6. It is a settled principle of law that in cases falling within the prohibitory clause, bail on statutory grounds of delay can only be granted where the delay is clearly established and is not attributable to the accused or the complexity of the proceedings. In the present case, the record does not convincingly establish that the delay is solely attributable to the prosecution. The gravity of the offence involving the loss of human life and the circumstances surrounding the occurrence also require cautious exercise of discretion.

7. Furthermore, the earlier orders passed by this Court declining bail to the applicant have attained finality and no substantial fresh ground has been brought before this Court which may justify taking a different view at this stage.

8. In view of the above discussion and considering the nature of allegations, the gravity of the offence and the absence of any fresh ground for reconsideration of the matter, I am not inclined to extend the concession of bail to the applicant. Consequently, the instant Criminal Bail Application No.2676 of 2025 filed by the applicant Faizan Habib is dismissed. However, the learned trial Court is hereby directed to decide the case, preferably, within three months under intimation to this Court.

These are the detailed reasons for the Short Order dated 09.03.2026.

JUDGE