

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.193 of 2026

Applicants : Parkash & Gul Bahar,
Both sons of Arjun
Through Mr. Muhammad Yousuf
Narejo, advocate

Complainant : Chaudhry Muhammad Tariq,
Through M/s. Riaz Ahmed Bhatti
and Allah Ditta Shakir, advocates

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

Date of hearing : 23.02.2026

Date of Order : 23.02.2026

ORDER

Jan Ali Junejo, J:-- Through this order, I intend to decide the instant post-arrest bail application filed under Section 497 Cr.P.C. by the applicants namely Parkash son of Arjun and Gul Bahar son of Arjun, who seek their release on bail in connection with FIR No.2032 of 2025 registered at Police Station Shah Latif Town, Karachi for the offences punishable under Sections 392, 397 and 34 PPC. The applicants have approached this Court being aggrieved by the order dated 14.01.2026 passed by the learned Additional Sessions Judge-VIII, Malir, Karachi whereby their bail application was declined.

2. Briefly stated, the prosecution case as reflected in the FIR is that the complainant Chaudhary Muhammad Tariq, a labourer by profession, alleged that on 26.12.2025 at about 05:00 p.m., while he was returning from Sector A-16, Shah Latif Town near a ground, two unknown persons riding a motorcycle appeared and at gunpoint forcibly snatched cash amounting to Rs.60,000/- from him. It is further alleged that on 29.12.2025 the complainant spotted the present applicants near Bhains Colony Morr close to a hotel where a police mobile happened to reach and upon his identification both

accused persons were apprehended. During interrogation the arrested accused allegedly disclosed involvement of two other persons in the occurrence. Thereafter, the complainant proceeded to the police station and the present FIR was registered.

3. Learned counsel for the applicants contended that the applicants are innocent and have been falsely implicated in the present case. He argued that according to the FIR the culprits were unknown persons and the applicants were nominated subsequently after alleged identification in a casual manner without any Test Identification Parade. It was further contended that no incriminating article or robbed amount has been recovered from the possession of the applicants and the alleged arrest and recovery are doubtful. Learned counsel further submitted that the applicants were picked up from their house earlier and subsequently implicated in the present case after unlawful detention. He further argued that no independent witness was associated in the arrest or recovery proceedings which is in violation of Section 103 Cr.P.C. Learned counsel lastly submitted that the case calls for further inquiry within the meaning of Section 497(2) Cr.P.C. and prayed that the applicants may be admitted to bail.

4. Conversely, learned Additional Prosecutor General assisted by the learned counsel for the complainant vehemently opposed the grant of bail and submitted that the applicants were apprehended upon the pointation of the complainant and their involvement in the offence has been specifically alleged. It was argued that the offence involves robbery at gunpoint which is a serious offence affecting the society at large. Learned State counsel further submitted that the applicants have been properly nominated after identification by the complainant and therefore sufficient material is available connecting them with the commission of the alleged offence. They finally prayed for dismissal of the bail application.

5. I have heard the learned counsel for the parties and have gone through the available record with their able assistance. Admittedly, as per contents of the FIR, the culprits were unknown persons at the time of occurrence. The prosecution case is that the complainant later identified the applicants near Bhains Colony Morr after about three days of the alleged incident. No Test Identification Parade appears to have been conducted in accordance with law to establish the identity of the applicants through a legally recognized process. The absence of such identification proceedings at the investigation stage prima facie makes the alleged identification open to further probe. It is also noticeable from the record that no robbed amount or weapon of offence has been recovered from the possession of the applicants. The prosecution case regarding arrest and implication of the applicants is primarily based upon the alleged identification by the complainant alone. At this stage such circumstances tentatively create doubt with regard to the manner of implication of the applicants and require deeper appreciation of evidence which can only be undertaken at the trial. Furthermore, the alleged occurrence took place on 26.12.2025 whereas the FIR was lodged on 29.12.2025 after the alleged apprehension of the applicants. The delay in lodging the FIR without satisfactory explanation also calls for cautious consideration at the bail stage. The question whether the applicants were actually involved in the occurrence or have been implicated subsequently is a matter which requires recording of evidence and full-fledged trial.

6. In the peculiar facts and circumstances of the case, the material available on record tentatively brings the case of the applicants within the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C. It is settled law that where the case calls for further inquiry into the guilt of the accused, concession of bail cannot be withheld as a matter of punishment.

7. For the foregoing reasons and without touching the merits of the case, the instant bail application is allowed. The applicants

namely Parkash son of Arjun and Gul Bahar son of Arjun are admitted to bail subject to their furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) each and P.R. bond in the like amount to the satisfaction of the learned trial Court. It is, however, observed that the findings recorded herein are tentative in nature, made solely for the purpose of deciding the present bail application, and shall not prejudice the case of either party during the course of trial.

These are the detailed reasons for the Short Order dated 23.02.2026.

JUDGE