

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1010 of 2026

Applicant : Adnan
son of Muhammad Anwar
Through Mr. Muhammad Akbar,
advocate

Complainant : Mukhtar Ahmed
son of Bilawal Nagori
Through: Nemo

The State : The State:
Through Mr. Muhammad Mohsin
A. P. G. Sindh

Date of hearing : 15.06.2026.

Date of Order : 15.06.2026.

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 applicant Adnan son of Muhammad Anwar, who seeks his release on bail in connection with FIR No.1258 of 2025 registered at Police Station Surjani Town, Karachi for the offences punishable under Sections 394/397 PPC R/w Section 302 PPC. The applicant has approached this Court being aggrieved by the order dated 18.03.2026 passed by the learned Additional Sessions Judge-III, Karachi West whereby his bail application was declined.

2. Briefly stated, the prosecution case as reflected in the FIR is that the complainant Mukhtar Ahmed son of Haji Shah Muhammad stated that he resides at the address mentioned in column No.2 with his family. His 23-year-old son Muhammad Rashid was employed as a painter and was working in Gulistan-e-Johar. On 26.09.2025 at about 8:30 p.m., while the complainant was present at his house, his neighbour Siraj informed him that an injured person resembling his son was lying in a street behind their locality. Upon reaching the spot along with Rashid's mother, the complainant found his son lying on the ground in a critically injured condition with a bullet wound to his head. Rashid was initially shifted to

Abbasi Shaheed Hospital and thereafter referred to the Trauma Centre, Civil Hospital Karachi. The complainant further disclosed that his son had received Rs.20,000/- as wages for his work and was carrying a Techno mobile phone bearing SIM No. 0370-4510630, both of which were missing. He alleged that some unknown dacoits, during the course of a robbery, caused a firearm injury to his son on the head and requested legal action against the culprits, hence this FIR.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated in the present case due to mala fide intentions of the complainant and police officials. He contends that no direct or independent evidence is available connecting the applicant with the alleged offence, as the FIR was registered against unknown persons and the case pertains to a blind murder with no eyewitness account. Learned counsel further argues that the applicant was merely acquainted with co-accused Najeeb Ullah Barki and, on the date of his arrest in another case, was accompanying him on a motorcycle when both were apprehended by police officials, who allegedly demanded illegal gratification and, upon refusal, falsely implicated them. He submits that nothing incriminating was recovered from the possession of the applicant, and even according to FIR No.1286/2025, the alleged robbed articles were recovered from the co-accused alone, rendering the observations of the trial court regarding joint possession factually incorrect. He further contends that the only material against the applicant is his alleged statement made while in police custody, which is inadmissible in evidence, and that neither any witness in statements recorded under Section 161 Cr.P.C. nor any call data record implicates the applicant in the commission of the offence. Learned counsel maintains that the prosecution has failed to produce any evidence showing the applicant's active participation or common intention in the occurrence and that the case, at best, calls for further inquiry within the meaning of Section 497(2) Cr.P.C. He lastly submits that the applicant has no previous criminal record, is neither a hardened nor a desperate criminal, and there is no likelihood of his conviction on the basis of the material presently available on record; therefore, he is entitled to the concession of bail during the pendency of the trial.

4. Conversely, learned APG assisted by learned counsel for the complainant opposed the grant of bail and argued that sufficient material is available on record to connect the applicant with the commission of the offence. They submitted that the injured, who was the son of the complainant, succumbed to his injuries during treatment. They further contended that the offence falls within the prohibitory clause of Section 497 Cr.P.C., as it involves the use of a deadly weapon attracting the provisions of Section 397 PPC. They submit further that strong prima facie evidence exists against the Applicant. Accordingly, they pray that the bail application be dismissed.

5. This Court has given anxious consideration to the submissions advanced on behalf of the parties and has examined the record with utmost care. On a tentative assessment of the material available on record, it appears that the allegations against the applicant are of a grave and heinous nature, involving robbery committed at gunpoint during which the deceased Muhammad Rashid sustained a firearm injury on his head and subsequently succumbed to the said injury during treatment. The record reflects that the offence not only entails robbery but also culminated in the loss of a human life, thereby attracting the provisions of Sections 394, 397 and 302 PPC. The seriousness of the allegations and the severity of punishment prescribed for the offences are relevant considerations while deciding a bail application.

6. The principal contention of learned counsel for the applicant is that the FIR was registered against unknown persons and that there is no eyewitness to the occurrence. Mere non-nomination of the applicant in the FIR, however, is not sufficient to discard the prosecution case at this stage. It is a settled principle of law that an FIR is not an encyclopedia of the prosecution case, and involvement of an accused may surface during the course of investigation through material subsequently collected by the investigating agency. The record reveals that the applicant's involvement was unearthed during investigation, and sufficient incriminating material was collected by the prosecution connecting him with the commission of the offence. The evidentiary value and admissibility of such material can only be finally determined after recording of evidence during trial.

7. The contention that the only material against the applicant is his alleged statement before the police and that the same is inadmissible in evidence also does not advance the case of the applicant at this stage. The prosecution case is not to be examined in isolation with reference to a single piece of evidence. Rather, the entire chain of circumstances collected during investigation is required to be tentatively assessed. At the bail stage, a meticulous examination of the evidentiary worth of each piece of evidence is neither desirable nor permissible. Suffice it to observe that the material available on record, when tentatively examined, furnishes reasonable grounds for believing that the applicant was involved in the commission of the alleged offence.

8. It may be observed that the offences like robbery/dacoity are frequently reported to have been committed without any restriction in urban and rural areas, which are not only creating scare among the people but ruining the safety of the life and property of law abiding citizens and also generating sense of insecurity amongst public at large.

9. For the reasons recorded above, this Criminal Bail Application filed on behalf of the Applicant is dismissed. The observations herein are tentative and confined to the decision of bail. The trial Court shall not be influenced thereby and shall adjudicate strictly on the evidence led before it.

JUDGE