IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 2760 of 2026

Applicants	:	1. Sonu son of Nazar Hussain 2. Naveed son of Nazar Hussain Through Mr. Ghulam Asghar Khuhro, advocate
Complainant	:	Sikandar son of Muhammad Siddique Through: Nemo
The State	:	Through Mr. Sharafuddin Kanhar, Assistant Prosecutor General Sindh
Date of hearing	:	09.10.2026.
Date of Order	:	09.10.2026.

O R D E R

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 1) Sonu and 2) Naveed both sons of Nazar Hussain, who seek their release on bail in connection with FIR No.151 of 2026 registered at Police Station Khokhrapar, Karachi for the offences punishable under Sections 397 and 34 PPC. The applicants have approached this Court being aggrieved by the order dated 03.08.2026 passed by the learned Additional Sessions Judge-IV, Karachi East whereby their bail application was declined.

2. Briefly stated, the prosecution case as reflected in the FIR is that on 11.07.2026, at about 8:30 p.m., the complainant, while riding his red-coloured Unique motorcycle bearing Registration No. KTT-9064, Engine No. DSE-2572559 and Chassis No. DSC-3572949, Model 2026, along with cash and his Infinix Note 12 mobile phone bearing IMEI No. 2833, reached near the gate of his house, whereupon two unidentified persons riding a 70cc motorcycle suddenly intercepted him, pointed a pistol at him, chambered the same, and forcibly snatched his motorcycle, cash amount and mobile phone before

fleeing from the spot. Thereafter, the complainant approached the police station and requested legal action against the culprits, hence, this FIR.

3. Learned counsel for the applicants contended that the applicants are innocent and have been falsely implicated in the present case by the complainant with mala fide intention and ulterior motives; that the incident allegedly occurred on 11.07.2026, whereas the FIR was lodged on 13.07.2026 with an unexplained delay of two days. He further contended that the applicants were arrested in separate Crime Nos.264/2026 and 265/2026 under Section 23(1)(a) of the Sindh Arms Act, 2013, registered at Police Station Memon Goth, and were granted bail therein by the learned District & Sessions Judge, Malir, Karachi, on 21.07.2026, against surety of Rs.20,000/- each. He submitted that the applicants were neither arrested at the spot nor identified by the complainant before a competent Magistrate, and no looted property was recovered from their possession; hence, no direct or indirect evidence connects them with the alleged offence. He further argued that, despite the alleged occurrence having taken place in a populated area, no independent witness was cited, nor was the police helpline 15 contacted, thereby rendering the prosecution case doubtful, hence, the case required further inquiry, and that the benefit of every doubt was to be extended to the applicants. Lastly, he submitted that the applicants are permanent residents of Karachi, have no criminal history, are neither hardened nor desperate criminals, and are not likely to abscond or tamper with the prosecution evidence; therefore, they are entitled to the concession of bail.

4. Conversely, learned Assistant Prosecutor General opposed the grant of bail and submitted that the offence involves robbery at

gunpoint which is a serious offence affecting the society at large. Learned APG further submitted that the applicant has been properly identified by the complainant and therefore sufficient material is available connecting him with the commission of the alleged offence. He 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 applicant at police station. No Test Identification Parade appears to have been conducted in accordance with law to establish the identity of the applicant 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 articles or weapon of offence has been recovered from the possession of the applicant. At this stage such circumstances tentatively create doubt with regard to the manner of implication of the applicant and require deeper appreciation of evidence which can only be undertaken at the trial. The question whether the applicant was actually involved in the occurrence or has 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 applicant 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 1) Sonu and 2) Naveed both sons of Nazar Hussain 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.

JUDGE