

**HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD**

**Cr. Bail Application No.S-328 of 2026.**

*[Raza Muhammad Vs. The State]*

Applicant : Raza Muhammad through Mr. Waqar All G.Zaur, Advocate.

Respondent : The State through Mr. Altaf Hussain Khokhar, Deputy Prosecutor General, Sindh.

Complainant : Present In-person.

Date of Hearing : 25.05.2026.

Date of Decision : 25.05.2026.

**ORDER**

**Syed Fiaz ul Hassan Shah, J :-** The Applicant above-named seeks post-arrest Bail in F.I.R No.317/2025, registered at Police Station Bhattai Nagar, District Hyderabad for offence punishable under Section 397-PPC. Previously, he applied for the same relief before learned Additional Sessions Judge-I, Hyderabad but the request was declined vide order dated 04.02.2026.

2. The applicant/accused is booked in crime No.317 of 2025 of PS Bhattai Nagar, District Hyderabad on the allegation that complainant Fayaz Ahmed lodged FIR that he has a rider of Food Panda and on 28.11.2025 at 0330 hours while travelling on his motorcycle for delivery of Food from his office Gulistan-e-Sajjad to Sindh Homes and at about 0330 hours at Sindh Homes Street near Bahria Foundation College, in the light of bulb two unknown persons robbed motorcycle forcibly on showing pistol as well as mobile phone of IMEI number (Given in FIR) and cash Rs.1500/-.

3. Counsel for the applicant/accused states that the name of applicant/accused is not mentioned in the FIR and have been arrested by the police, when his brother moved application to the DIG Hyderabad for fair investigation; that the FIR is delayed with seven days without any plausible explanation; that the police malafide registered four FIRs against the applicant/accused; that neither the identification parade was held nor

any eye witness is available, therefore, the applicant/accused is entitled for concession of bail.

4. Learned Deputy Prosecutor General opposed the bail application and stated that two unknown accused persons had robbed motorcycle, mobile phone and cash and this is a bona fide of complainant that he had not given a name in FIR and only the name of applicant/accused has come on surface when the applicant/accused was arrested and recovery of case property was affected; that the applicant/accused and another accused Daniyal was nominated in the case.

5. Heard learned counsel for parties and perused the record with their assistance.

6. It appears that FIR was registered by the complainant a poor rider of Food Panda, who has lost his motorcycle, the sole dependent of his job as well as his mobile phone; therefore, he reported the case to the police. The facts which incorporated by him, where he did not nominate any person, which shows his bonafide. The applicant/accused was arrested by the police and a mobile phone has been recovered from the possession of the applicant/accused, which has been identified by the complainant, therefore, prima facie case has been established against the applicant/accused.

7. In view of above, the Bail Application of applicant/accused is hereby **dismissed**.

8. Before parting with this order, when I.O asked regarding previous criminal record of accused, he had no knowledge of the previous criminal record of both accused, while DPG pointed out that the applicant/accused was nominated in 04 cases. Similarly, no serious efforts have been taken by the investigation officer or any serious attempt to recover the motorcycle of this poor rider / complainant, which shows inefficiency of the investigation officer and the SHO concerned. Let the SSP, Hyderabad shall examine and ensure to recover the robbed motorcycle of the complainant before submission of final challan.

9. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial Court while deciding the case of the applicant/accused on merits.

**JUDGE**