

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

Criminal Bail Application No.S-265 of 2026

Applicant: Azam Son of Ghulam Hyder Panhwar through Mr. Ashique Hussain D. Solangi, Advocate.

Complainant: Naseer Muhammad CNIC No.41506-0361246-7 in person.

Respondent: The State through Mr. Irfan Ali Talpur, D.P.G along-with SIP Muhammad Ali SHO Bhan Syedabad.

Date of hearing: 18.03.2026

Date of order: 18.03.2026

ORDER

Riazat Ali Sahar, J. Through this application filed under Section 497 Cr.P.C., the applicant, namely Azam, seeks post-arrest bail in Crime No. 80 of 2025, registered at Police Station Bhan Syedabad for offences punishable under Sections 324, 337-A(iii), 337-A(i), 337-L(ii) and 397, P.P.C. His earlier bail application was declined by the learned trial Court vide order dated 19.02.2026.

2. Following the guideline laid down by the Hon'ble Supreme Court in the case of Muhammad Shakeel v. The State & others (PLD 2014 SC 458), this order is being rendered in a concise form, as the factual matrix of the case already stands reflected in the bail application as well as in the copy of the F.I.R. appended therewith, and thus does not require repetition.

3. Learned counsel for the applicant contended that the F.I.R. was lodged with a delay of 19 days, which has not been plausibly explained by the complainant, suggesting deliberation and consultation prior to its registration. It is further argued that although the F.I.R. alleges that all accused persons were armed with deadly weapons, no independent

witness sustained even a minor injury, which creates doubt in the prosecution story. He further submits that the medical evidence is contradictory, as initially the injury was declared as Shajjah-i-Hashimah, however, through a corrigendum dated 09.10.2025, the same was converted to Ghayr-Jaifah Hashimah, thereby rendering the medical evidence doubtful. Lastly, it is argued that benefit of doubt, even at bail stage, must go in favour of the accused, being a settled principle of law.

4. Conversely, learned D.P.G., assisted by the complainant, opposed the bail application on the ground that the applicant has been specifically nominated in the F.I.R. with an active and specific role. He is alleged not only to have robbed the complainant of cash and a mobile phone but also to have caused injuries with an iron rod upon resistance. Therefore, it is contended that the applicant does not deserve the concession of bail.

5. I have heard the learned counsel for the parties and have perused the available record.

6. It is an admitted position that there is a delay of 19 days in lodging the F.I.R., for which no satisfactory explanation has been furnished. Such delay prima facie suggests the possibility of deliberation and consultation, which adversely affects the veracity of the prosecution case at this stage. Furthermore, the medical evidence reveals inconsistency, as the nature of injury was subsequently altered through a corrigendum. This discrepancy creates a reasonable doubt, which can only be resolved after recording of evidence during trial. The case of the applicant, therefore, prima facie falls within the ambit of "further inquiry" as envisaged under Section 497(2), Cr.P.C.

7. It is also noted that the applicant has been in custody since his arrest. The investigation has already been completed and the challan has been submitted before the learned trial Court; therefore, the further detention of the applicant would

serve no useful purpose. Moreover, the offences alleged against the applicant do not fall within the prohibitory clause of Section 497 Cr.P.C., as the maximum punishment provided does not exceed ten years.

8. In view of the foregoing circumstances, the applicant has succeeded in making out a case of further inquiry within the meaning of Section 497(2), Cr.P.C. Consequently, this Criminal Bail Application was **allowed**, and the applicant was admitted to post-arrest bail vide short order dated 18.03.2026. These are the reasons for the same.

9. It is clarified that the observations made herein are purely tentative in nature and shall not, in any manner, prejudice or influence the learned trial Court in deciding the case on merits.

JUDGE

Muhammad Danish