

ORDER SHEET
THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Applications Nos. S-333 and 334 of 2026

Applicant : Sajjad alias Kari through Mr. Francis Lucas Khokhar, Advocate

Respondent : The State through Mr. Dhani Bux Mari, Assistant Prosecutor General Sindh.

Date of Hearing : 27.08.2026

Date of Order : 27.08.2026

ORDER

Muhammad Humayon Khan, J.: Sajjad alias Kari, the Applicant, has been nominated by the Mirpur Old Police Station, Mirpurkhas, in two FIRs both arising out of the same offence, namely: (i) FIR No. 29 of 2025 under Section 397 and 34 of the PPC, and (ii) FIR No. 31 of 2025 under Section 23(1)(a) of the Sindh Arms Act. He seeks post-arrest bail in both cases, having been denied the said relief from the learned Court below.

2. FIR No. 29 of 2025 is a robbery case. The allegation is that, on 16.05.2025, the Applicant along with another, at gun point, stopped and robbed the Complainant, Ghanwar Mal son of Bekho Meghwar, and his relative, Keval son of Maniyo Meghwar of one VIVO touch-screen mobile phone, cash of Rs. 12,000/- from the Complainant and Rs. 500/- from Keval.

3. FIR No. 31 of 2025 is a case for recovery of an unlicensed weapon. The allegation is that the Complainant (police officer) along with his team were patrolling the area and, during snap-checking, a motorcycle with two people attempted to reverse. The police team chased them. One of them fled who is identified as Jumoon, and the other who was apprehended is the present Applicant. From him a 9mm pistol along with four live bullets was recovered as well as the motorcycle involved in Crime No. 29 of 2025.

4. Mr. Francis Lucas Khokhar contended that the case against the Applicant is manufactured and false and that the recoveries made were

actually foisted on him. He stated that the case was the result of deliberations and there was a delay in the lodgment of the FIRs and therefore stated that the Applicant should be granted bail as prayed. As against this, Mr. Dhani Bux Mari categorically opposed the bail applications and, while denying the allegations of enmity and falsity, contended that the Applicant is a hardened and habitual criminal having multiple FIRs in his name. He stated that recoveries have also been made from the Applicant which connect him to the crime. He finally prayed for dismissal of the applications.

5. According to the police papers filed, it has come on the record that there are six (6) FIRs as against the Applicant for different offences, the details of which are given below:

- i) FIR No. 31 of 2024 under Sections 457 and 380, PPC
- ii) FIR No. 45 of 2024 under Sections 397, 452 and 506-ii, PPC
- iii) FIR No. 01 of 2025 under Section 397 and 34, PPC
- iv) FIR No. 08 of 2025 under Section 9(i)(3) of the Control of Narcotics Substances (Amendment) Act, 2022
- v) Present two FIRs.

6. At least three FIRs against him are for robbery under Section 397 of the PPC whereas one FIR is for house-breaking and house-theft under Sections 457 and 380 of the PPC. All are offences which place the general public under grave safety threat. It *prima facie* seems to me that the Applicant is a hardened criminal and poses the risk of repeated offences and as such he is a risk to the general public.

7. The offences of which the Applicant has been accused are all non-bailable in nature. In *Tariq Bashir and 5 others v The State* PLD 1995 SC 34, it was held that in non-bailable offences the grant of bail is not a right but only a concession, and bail is to be declined in cases where there is danger of repeated offences.

8. On the facts of the present case, *prima facie* there has been recovery of an unlicensed weapon and live rounds as well as the motorcycle used in

FIR No. 29 of 2025 from the Applicant's personal possession. The Applicant has alleged that the police and the Complainant have implicated him due to enmity, however, on a tentative assessment there is no material to show such enormous enmity that the police would be compelled from time to time, since 2024, to implicate the Applicant in six different cases.

9. As far as the ground of delay is concerned, it was held in *Haji Gulu Khan v Haji Gul Daraz Khan and others* 1995 SCMR 1765, *Mazhar Iqbal v The State* 2010 SCMR 1171 and *Abdul Jabbar v The State* 2012 P.Cr.L.J 786 that delay in the lodgment of the FIR alone is not a ground for the grant of bail unless supported by other material favouring the accused. It will be seen that at this stage there is no material to support the ground of delay raised by the Applicant. No case for interference is therefore made out.

10. For these reasons, both the applications are dismissed.

11. It is clarified that the observations above are tentative in nature and shall not prejudice the learned Trial Court in deciding the case on merits. The learned Trial Court is directed to proceed with the matter expeditiously and dispose of the same within four months with progress reports to be submitted before this Court every two months.

JUDGE

APPROVED FOR REPORTING

Faisal