

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-514 of 2025

| DATE | ORDER WITH SIGNATURE OF JUDGE |
|------|-------------------------------|
|------|-------------------------------|

For orders on office objections.  
For hearing of main case.

24.06.2025

Mr. Shoukat Ali Pathan, Advocate for applicant/accused  
Mr. Agha Kausar Hussain, Advocate for complainant  
Mr. Irfan Ali Talpur, Deputy Prosecutor General, Sindh.  
==

O R D E R

**AMJAD ALI SAHITO, J:-** Through the instant criminal bail application, the applicants are seeking their pre-arrest bail in Crime No.51 of 2025, under Section 397, 34 P.P.C, registered at P.S. SITE, Hyderabad. Earlier the bail plea of the applicants was declined by the learned VIIth Additional Sessions Judge, Hyderabad, vide impugned order dated 09.05.2025.

2. The facts of the case are already mentioned in the F.I.R and memo of bail application, hence, need not to reproduce the same hereunder.
3. Per learned counsel, applicants are innocent and have falsely been implicated in this case; in fact the applicants have purchased the said Truck No.TKF-628 from one Noorullah Khan and paid such installments to him. In support of his contention, he has relied upon the sale agreement so also payment receipt which are available at Page No.39 to 43. He further submits that in fact the original number of said Truck is TKF-628 but the complainant malafidely has changed its number into TTD-857. He also submits that Jirga was also held, which announced the Faisla in favour of applicants. He also submits that the applicants/accused have filed a C.P. before this Honourable Court much prior to present incident wherein they stated that complainant's party will take law into their own hands. In support of his contention, he has relied upon the Faisla of Jirga which is taken on record. Lastly, he submits that case has been challaned and applicants/ accused are no more required for any purpose.
4. On the other hand, learned counsel for the complainant vehemently opposed for confirmation of bail and states that by force applicants/accused snatched the Truck No.TTD-857, as such, they have committed the present offence.
5. Learned D.P.G Sindh supported the arguments advanced by learned counsel for the complainant.
6. Heard and record perused.

7. From perusal of record it reflects that the incident took place on 24.12.2024 and FIR was registered on 25.03.2025 with delay of about 03 months and no plausible explanation has been furnished by the complainant. Furthermore, the applicants/accused claim that they have purchased the said Truck from one Noorullah and such agreement is available on the record and they have also paid the installments to said Noorullah. In support of their contention, they also submit that in fact the real number of said Truck is TKF-628 but the complainant malafidely and ulterior motives fixed the number as TTD-857. They have also submitted that Jirga was held which announced the Faisla in their favour, hence, the case of the applicants/accused requires further enquiry. All these aspects will be seen when evidence will be recorded by the learned trial Court. Learned counsel for applicants/accused has made out a case for further enquiry in view of Sub-Section (2) of Section 497 Cr.PC. Resultantly, bail application is allowed and ad-interim pre-arrest bail earlier granted to applicants vide order dated 15.05.2025 is confirmed on the same terms and conditions. The applicants/accused are directed to attend the learned Trial Court regularly if they fail to appear, the Trial Court would be at liberty to take actions against them in accordance with law.

8. Needless to mention here that the observations made hereinabove are tentative in nature would not prejudice the case of either party at trial.

J U D G E

Asif. I khan