

**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

**Criminal Bail Application No. S-187 of 2025**

Applicant: Ali Ghulam *through* Mr. Ameenuddin Khaskheli,  
Advocate

Complainant: Abdul Razaque, in person

Respondent: The State, *through* Mr. Gulzar Ahmed Malano,  
Assistant Prosecutor General

Date of hearing: 10.7.2025  
Date of decision: 10.7.2025

**ORDER**

**Muhammad Jaffer Raza, J.-** Through instant criminal bail application, applicant Ali Ghulam son of Muhammad Paryal, seeks pre-arrest bail in FIR No.186/2024, registered at P.S Naushahro Feroze, for the offence punishable under Sections 381-A and 215 PPC. Earlier the applicant approached to the learned Sessions Judge Naushahro Feroze for pre-arrest bail but same was dismissed vide order dated 25.2.2025.

2. In nutshell, the accusation against the applicant is that on 20.4.2023 the motorcycle of the complainant Abdul Razaque Khoso was stolen away by some unknown thieves from outside of the Civil Hospital Naushahro Feroze. Later, he came to know that his motorcycle was stolen by present applicant. Complainant approached the applicant who demanded ransom amount Rs.40,000/- for return of the motorcycle, which he paid but motorcycle was not returned, hence complainant lodged such FIR.

3. Learned counsel for the applicant has argued that the applicant is innocent, who has been falsely implicated by the complainant by managing a false story. He also contended that there is an inordinate delay of about one year in lodging of FIR, which has not been explained by the complainant. He also contended that twice report under 'C' class has been submitted by the I.O. He

further contended that the offence does not fall within prohibitory clause of section 497 Cr.P.C, as such the applicant is entitled for concession bail.

4. Learned APG, assisted by complainant opposed the bail application contending that offences are not bailable and there is sufficient material on record to connect the applicant with the commission of the offence.

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

6. Admittedly, the offence under Section 215, PPC is bailable, whereas offence u/s 381-A PPC carries a maximum punishment of seven years and does not fall within prohibitory clause. It is a settled principle of law that in cases not falling within the prohibitory clause, the grant of bail is a rule and its refusal an exception, requiring strong and exceptional grounds. In the present case, the FIR was lodged after an unexplained delay of approximately one year, which raises serious doubts and suggests the possibility of consultation. It is also pertinent to note that after investigation, the Investigating Officer has twice submitted the reports under 'C' class. Furthermore, there is nothing on record to indicate that the applicant has misused the concession of interim pre-arrest bail granted to him. In such circumstances, the applicant has successfully made out his case for confirmation of pre-arrest. Accordingly, this bail application is allowed and the interim pre-arrest bail already granted to him is confirmed on the same terms and conditions.

7. Needless to state that the observations made hereinabove are tentative in nature and shall not, in any way, affect the merits of the case of either party at the trial.

**JUDGE**