

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

1ST Cr. Bail Appln. No.S- 324 of 2025.

DATE OF HEARING ORDER WITH SIGNATURE OF HON'BLE JUDGE

- 1. For orders on office objections "A"
- 2. For hearing of bail application

17.7.2025.

Mr. Muhammad Saleem Mangi, advocate for the applicant.

Mr. Sardar Ali Solangi, D.P.G for the State.

ORDER

KHALID HUSSAIN SHAHANI, J. — The applicants, Kamran and Imran, seek post-arrest bail in a case bearing crime No.18 of 2025 registered at Police Station Lashari, for offences under Sections 380, 457, 148, and 149 PPC.

2. As per FIR lodged on 08.05.2025 by complainant Abdul Samand Bhutto, the incident allegedly occurred on 04.05.2025 at about 03:00 a.m. It is alleged that complainant and his family, while asleep, awoke to a commotion and saw several accused persons including the applicants Kamran and Imran, armed with pistols breaking into their house. The accused allegedly stole an iron safe (Tijori) containing gold ornaments, mobile phones, cash, and other items amounting to Rs.46,71,500/-, and fled in a red loader rickshaw.

3. Learned counsel for the applicants contended that there is an unexplained delay of four days in lodging the FIR, which creates serious doubt about the genuineness of the prosecution story. He argued that the names of the applicants appear in the FIR due to malafide and

deliberation. He further submitted that, according to the police investigation, no stolen article has been recovered from either of the applicants, and the only item, the iron safe (Tijori), was allegedly recovered from a public road, not from the exclusive possession of any accused, let alone these applicants. The learned counsel emphasized that the recovery is suspicious and does not connect the applicants to the alleged crime. It was further submitted that the applicants are behind bars since 15.05.2025, the investigation is complete, and the interim challan has already been submitted. Hence, no further purpose would be served by their continued detention.

4. On the other hand, learned Deputy Prosecutor General Mr. Sardar Ali Solangi opposed the bail plea and argued that the applicants are nominated in the FIR with specific allegations and their role in armed house-breaking cannot be lightly ignored in view of the gravity of the offence.

5. During the course of hearing, the complainant voluntarily appeared before this Court and recorded his no objection to the grant of bail to the applicants. In this respect also placed on the record an affidavit along with a statement.

6. I have heard the learned counsel for the parties and examined the available record.

7. The delay of four days in lodging the FIR remains unexplained and creates room for further inquiry into the circumstances surrounding the nomination of the applicants. Significantly, as per the investigation, no incriminating article or stolen property has been recovered from the possession of the present applicants. The only item shown to be recovered, the iron safe (Tijori), was found lying on a public road, and

was not traced to the exclusive possession or disclosure of the applicants. In such circumstances, the evidentiary value of the recovery is, at best, tentative and would require deeper appreciation at trial.

8. Although the offence under Section 457 PPC carries a punishment of up to 14 years, the Hon'ble Supreme Court has consistently held that bail may still be granted in cases involving further inquiry and in the absence of incriminating evidence directly connecting the accused with the alleged crime.

9. Furthermore, the complainant's express no objection before the Court, though not determinative due to the non-compoundable nature of the offence, reinforces the argument that the applicants' continued incarceration is not warranted in the circumstances.

10. Accordingly, the applicants Kamran and Imran are admitted to post-arrest bail, subject to their furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each and a P.R. bond in the like amount to the satisfaction of the learned Trial Court.

11. Needless to mention, the observations made herein are tentative in nature and shall not prejudice the case of either party during trial.

J U D G E