

ORDER SHEET

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

1ST Cr. Bail Appln. No.S- 330 of 2025.

DATE OF HEARING ORDER WITH SIGNATURE OF HON'BLE JUDGE

For hearing of bail application.

17.7.2025.

Mr. Abdul Rehman Bhutto, advocate for the applicant.

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

ORDER

KHALID HUSSAIN SHAHANI-J.:- Applicant Sadam Hussain seeks post-arrest bail in a case bearing crime No.41 of 2025, registered at Police Station Tangwani, for offences punishable under Sections 399 and 402 PPC. Their prior request for bail was declined by the learned trial Court vide order dated 05.06.2025.

2. According to the prosecution's case, on 26.05.2025 at about 1800 hours, a police party headed by HC Ahmed Khan whilst patrol at link road leading from Manjhi to Saleem Khoso near broken bridge saw and identified accused Ghulam Murtaza, Sabz Ali, Moladad, Shabeer having K.Kovs, whereas Sadam Hussain (applicant), Mehar Jan and two unknown individuals having guns who on seeing police party made their escape good. The FIR was subsequently lodged inter alia on above facts.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated in the matter. It is argued that all the prosecution witnesses and mashirs are police officials, therefore, interested. It is submitted that the allegation against the applicant/accused is general in nature and no specific role has been

assigned to accused. He contended that whole story is false and has been managed by the complainant just to show is efficiency in police department.

4. Conversely, the learned Deputy Prosecutor General has opposed the bail plea, asserting that the applicant is nominated in the FIR and was implicated during the course of investigation.

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

6. Prima facie, the role ascribed to the applicant is that of assembling with intention to commit dacoity without attribution of any specific overt act or injury. The fact that all prosecution witnesses are police personnel, coupled with the non-association of any independent witness despite prior information, undermines the credibility of the prosecution's narrative and reflects non-compliance with the mandatory requirement under Section 103 Cr.P.C. A deeper scrutiny of the FIR reveals that the claim of the applicant having assembled with the intent to commit dacoity, thereby attracting Sections 399 and 402 PPC, is based purely on conjecture. The police appear to have assumed such intent without disclosing any attending or corroborative circumstances, such as overt acts, preparatory conduct, or specific targets, suggesting the actual commission of dacoity. It is beyond comprehension how the police could have ascertained or "injected" into the minds of the accused the alleged criminal intention merely upon their presence at the location, absent any incriminating material or independent verification. In the absence of any concrete evidence substantiating such intent, the applicability of Sections 399 and 402 PPC becomes highly doubtful and cannot be

determined at this preliminary stage. These allegations are general and require thorough examination during trial proceedings.

7. Cumulatively, these factors bring the case within the scope of “further inquiry” as contemplated under Section 497(2) Cr.P.C. Accordingly, the applicant Saddam Hussain is admitted to post-arrest bail, subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and a personal recognizance bond in the like amount, to the satisfaction of the learned trial Court.

8. Needless to mention, the observations made hereinabove are purely tentative in nature and shall not prejudice the merits of the case at the time of final adjudication.

J U D G E

Asghar Altaf/P.A