

**ORDER SHEET**  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA  
**Criminal Bail Application No. S-546 of 2025**

**Applicant** : Allah Ditta son of Faiz Muhammad, through  
Mr. Abdul Rehman A. Bhutto, Advocate

**Complainant** : Popal son of Muhammad Qasim, through  
Mr. Aftab Ahmed Channa, Advocate

**Respondent** : The State  
Through Mr. Ali Anwar Kandhro, Addl.  
Prosecutor General, Sindh

**Date of Hearing** : 27.10.2025

**Date of Order** : 27.10.2025

**ORDER**

AMJAD ALI SAHITO, I-- Through this Bail Application, the applicant/accused Allah Ditta seeks pre-arrest bail in Crime No.185 of 2025 registered with Police Station Kashmore, for the offence under Section 395 PPC, after his bail plea has been declined by the learned Addl. Sessions Judge-I, Kandhkot, vide order dated 11.09.2025.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Per learned counsel for the applicant, the applicant is innocent and has falsely been implicated in this case; that no such incident has taken place but the complainant party has cooked up a false story and lodged instant FIR; that there is enmity between complainant and the accused persons over a landed property and prior to this, the farmer of present complainant namely Bashir Ahmed has filed direct complaint against present applicant. Lastly, he prays for confirmation of bail.

4. On the other hand, Mr. Aftab Ahmed Channa, Advocate files Vakalatnama on behalf of the complainant, same is taken on record. He opposes the bail application and submits that prior to this, the

applicant filed a bail application before the Court of Sessions Judge which subsequently was assigned to Addl. Sessions Judge-I, and same was dismissed in non-prosecution thereafter second bail application was filed and such fact is not mentioned in the memo of instant bail application. Learned Addl. P.G, Sindh also opposes the bail application and submits that the applicant is nominated in the FIR with specific role of robbing a CD motorcycle.

5. Heard arguments and perused the record.

6. From perusal of record, it reflects that on the day of incident, near about 5 persons dully armed with deadly weapons appeared at place of incident and overpowered to the complainant party wherein present applicant/accused along with co-accused have snatched cash amount and a CD-70 Model 2021 motorcycle from the complainant. Name of the applicant appeared in the FIR with specific role that on the day of incident, he was present along with co-accused. Section 392 PPC provides that five or more persons commit or attempt to commit a robbery, or where the whole number of persons conjointly committing or attempting to commit a robbery, and persons present and aiding such commission, all the accused persons are responsible for committing a robbery; hence, the applicant/accused is allegedly very much involved in this case.

7. So far as the plea raised by learned counsel for the applicant that complainant is Hari of the applicant/accused is concerned, when it was conflicted whether there is any proof, the learned counsel for the applicant places on record a copy of Criminal Misc. Application wherein one Bashir Ahmed is shown to be the applicant and in another Criminal Revision Application, the present applicant is shown to be the applicant and respondents were Bashir Ahmed and others. In the present case, the complainant is Popal son of Muhammad Qazim, having no concern with the previous enmity of the applicant/accused. The PWs in their 161 Cr.P.C. statement have also supported the version of the complainant party. At bail stage, only tentative assessment is to be made. No ill-will or malafide or enmity has been pleaded by the learned counsel for the applicant for false implication of the applicant in this case.

8. Further, the concession of pre-arrest bail cannot be allowed to an accused person unless the Court feels satisfied with the seriousness of the accused person's assertion regarding his intended arrest being actuated by *mala fide* on the part of the complainant party or the local police but not a word about this crucial aspect of the matter is found as no *mala fide* is made on the part of the complainant to believe that the applicant/accused has been implicated in this case falsely. In this context, the reliance is placed to the case of '*Rana Abdul Khaliq v. The STATE and others*' [2019 SCMR 1129]. In addition to the above, I would like to mention that grant of pre-arrest bail is an extraordinary remedy in criminal jurisdiction; it is a diversion of the usual course of law, arrest in cognizable cases; protection to the innocent being hounded on trump up charges through abuse of process of law, therefore, an applicant seeking judicial protection is required to reasonably demonstrate that intended arrest is calculated to humiliate him with taints of *mala fide*, it is not a substitute for post-arrest bail in every run of the mill criminal case as it seriously hampers the course of the investigation.

9. In view of the above, learned counsel for the applicant / accused has failed to make out a case for grant of bail. Resultantly, the instant Bail Application is **dismissed**. The interim pre-arrest bail granted to the applicant/accused vide order dated 03.10.2025 is hereby recalled.

10. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants/accused on merits.

A copy of this order shall be sent to SHO, P.S concerned, for information and compliance.

**JUDGE**

Zulfiqar