

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S-533 of 2025

Applicant : Abdul Majeed s/o Sadaruddin, Channa
Through Mr. Sohail Ahmed Khoso, Advocate

The State : Through Mr. Khalil Ahmed Maitlo, Deputy
Prosecutor General

Dated of Hearing : 15.09.2025
Dated of order : 15.09.2025

ORDER

KHALID HUSSAIN SHAHANI, J- The applicant, Abdul Majeed, has approached this Court for pre-arrest bail in Crime No.144/2025, concerning offenses under Sections 506/2, 380, 504, and 427 PPC, registered at Police Station Shaheed Murtaza Mirani, Khairpur,. His earlier bail plea was declined by the learned Additional Sessions Judge-IV, Khairpur vide order dated 14.06.2025, prompting the present application before this Court.

2. According to the complaint by Noman Fareed, the alleged incident occurred on 15.05.2025, when the applicant reportedly collided his motorcycle violently against the complainant's vehicle, uttered abusive language, physically assaulted the complainant by grabbing him, kicking, and punching, tore his clothing, and forcibly took cash amounting to Rs.25,000 and a mobile phone. Further, the applicant is said to have threatened the complainant with dire consequences before leaving the scene. A separate incident of verbal abuse and threats is also alleged to have taken place on 17.05.2025 outside the court premises, resulting in the registration of the FIR.

3. The learned counsel for the applicant submitted that the FIR discloses two distinct occurrences, raising questions regarding the coherence and genuineness of the allegations. The complainant delayed lodging the FIR by nine days without any satisfactory explanation, suggesting possible deliberation and consultation to malign the applicant. It was argued that the case does not engage the prohibitory clause of Section 497(1) Cr.P.C., thereby entitling the applicant,

who is not required for further investigation to the relief of pre-arrest bail. Reliance was placed upon authoritative precedents including PLD 1995 SC 34, 2009 SCMR 1488, and PLD 2017 SC 733 to reinforce this stance.

4. On the other hand, the learned Deputy Prosecutor General strongly opposed the grant of bail, emphasizing that the applicant is expressly named in the FIR and, being a police official, allegedly abused his official position to perpetrate robbery, cause damage to the complainant's mobile phone, and issued threats for dire consequences. It was contended that such serious allegations disentitle the applicant to any extraordinary concession.

5. A careful examination of the record reveals a material delay of nine days in lodging the FIR, which is *prima facie* indicative of possible afterthought and malice. Although the incident purportedly occurred in a public place, no independent witness apart from the complainant's relatives has been presented, thereby casting doubt on the prosecution's narrative. The essentials of robbery as alleged are uncertain, as the material suggests that the phone was damaged by an accidental fall during a scuffle rather than by deliberate action. The charge under Section 506/2 PPC concerning threats also requires full proof and is best adjudicated upon at trial. Importantly, the case does not fall within the prohibitory clause of Section 497(1) Cr.P.C., the investigation has been concluded, the challan submitted, and the applicant is no longer necessary for further inquiry.

6. On this analysis, the applicant has sufficiently demonstrated a *prima facie* case warranting further inquiry as envisaged under Section 497(2) Cr.P.C. Therefore, this application for pre-arrest bail is allowed, confirming the interim bail earlier granted to the applicant on 23.06.2025, subject to the same terms and conditions. The observations made herein are tentative and do not prejudice the merits of the case at trial.

J U D G E