

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Bail Appln. No. S-379 of 2025

Applicants : Ghulam Abbas Wahocho and
Saddam Hussain Wahoocho
Through Mr. Habibullah G.
Ghour, advocate

Complainant Zamdi Mal Od
Through M/s Avinash Oad
and Irfan Ali Mirbahar,
advocates

The State : Mr. Nazeer Ahmed
Bhangwar, D.P.G for the
State

Date of hearing 15-09-2025
Date of order 15-09-2025

ORDER

SHAMSUDDIN ABBASI, J.- Through instant criminal bail application, applicants/accused Ghulam Abbas and Saddam Hussain, seek interim pre-arrest bail in Crime No.78/2025 of P.S. Nasirabad, for the offence U/s 458, 395, 397, 148, 149 P.P.C, after rejection of their bail plea by learned trial court vide order dated 01.07.2025.

2. Brief facts of the prosecution case are that on 30.05.2025 at 02-30 a.m night, the applicants and accused Ali Mustafa along with four unidentified accused persons armed with weapons entered into the house of complainant and robbed golden ornaments and other valuable articles.

3. Learned counsel for the applicants submits that the applicants are innocent and they have falsely been implicated in this case due to malafide intention and ulterior motives; that applicant Ghulam Abbas is working in Police Department; that there is delay of 25 days in lodging of F.I.R without explanation and this is night time incident occurred in the odd hours of night and identification on bulb light is always treated as doubtful; that the applicants have joined the investigation and no incriminating material has been recovered from their possession; that the alleged offence does not fall within the ambit of prohibitory clause of Section 497(2) Cr.P.C, therefore, interim pre-arrest bail already granted to the applicants may be confirmed.

4. On the other hand, learned D.P.G. assisted by learned counsel for the complainant opposed for grant of bail on the ground that applicants are nominated in the F.I.R and they have actively participated in the alleged offence and committed robbery from the house of complainant; that recovery has been effected from the accused Ali Mustafa.

5. Heard learned counsel for the applicant, learned counsel for the complainant, learned D.P.G and perused the material available on the record with their able assistance.

6. No doubt the applicants are nominated in the F.I.R for the offence punishable under sections 395 and 397 P.P.C. In such offences role of individual is equally responsible as accused in equal degree. Complainant of this case belongs to Hindu/Oad minority and counsel for complainant has produced copy of application moved by complainant to concerned S.H.O against applicant Sadam who issued threats for dire consequences to complainant party. There is no malafide on the part of the complainant to falsely implicate the applicants in the present case. Pre-arrest bail in serious offences is an exceptional remedy, only to be granted on strong grounds of further inquiry and Hon'ble Supreme Court in various pronouncements has settled pre requisite conditions for grant of pre arrest bail on the point of malafide on the part of complainant/ prosecution which is lacking in the present case. Reliance is placed on the case of ***Haji Shah Behram v. the State (2021 SCMR 1983) and Ghulam Qadir v. the State (2022 SCMR 750)***, as such learned counsel for the applicants has failed to make out a case for grant of extra ordinary relief, therefore, bail application is dismissed and interim pre-arrest bail already granted to the applicants vide order dated 11.07.2025 is hereby recalled.

7. Needless to mention here that observations made hereinabove are tentative in nature and would not prejudice the case of either party at the time of conclusion of case.

J U D G E

Abdul Salam/P.A