IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-328 of 2025

Applicant: Ashraf S/o Bachal,
Through Mr. Aziz Ahmed Laghari, Advocate.

Respondent: The State.
Through Mr. Shahzado Saleem, Additional P.G.

Complainant: Sheeraz Ali S/o Ghulam Ali, called absent.

Date of hearing: 27.11.2025

Date of Order: 27.11.2025

O R D E R

<u>Shamsuddin Abbasi, J</u>*:* Through this Bail Application, the applicant/accused seeks post arrest bail in Crime No.75/2025 for offence under sections 397 and 34 P.P.C of PS Tando Jan Muhammad, after dismissal of his bail plea by the learned Additional Sessions Judge-I, Mirpurkhas, vide order dated 04.11.2025.

2.   Brief facts of the FIR are that complainant Sheeraz Ali Brohi appeared at Police Station Tando Jan Muhammad on 21.07.2025 at about 1645 hours, stating that through Facebook he came to know about the advertisement regarding sale of a Corolla car. Consequently, on 21.03.2023, he along with Suleman and Abbas went to the address provided in the advertisement, i.e., village Bachal Chandio, where they met accused Anwar, Ameer Sultan, Ashraf Chandio (applicant) and Aijaz alias Babu Dandal. It is alleged that the accused persons, while pointing pistols, robbed a cash amount of Rs.10,00,000/- from the complainant and extended threats of murder, where after he returned home.

3. Learned counsel for the applicant argued that there is an unexplained delay of more than four months in the registration of FIR. He further submitted that no recovery has been effected from the applicant and that the minimum punishment provided under Section 397 P.P.C. is seven years, therefore the case does not fall within the ambit of the prohibitory clause of Section 497 Cr.P.C. Accordingly, he prayed for grant of bail.

4.   On the other hand, learned A.P.G submits that there is series of FIRs against the applicant/accused which have been lodged by the different people of different locality of province of Sindh. He further submits that applicant and co-accused belong to robbers and they are

also involved in several identical cases to rob the innocent persons. He further submits that applicant party through fake advertisement invites the people at their village and use to snatch their amounts by force. Hence, he prayed that the bail may be dismissed.

5.   Heard learned counsel for the applicant, learned A.P.G for the State, and perused the record.

6.   From the tentative assessment of material available on record, it appears that applicant belongs to gang of robbers and they used to call them in their village in order to sale their vehicle and finally robbed them by showing weapons. Learned A.P.G has placed on record criminal record of the applicant which reveals that he is involved in 45 FIRs of same nature including police encounter cases since 2015 to 2025. In the present case, they robbed cash amount of Rs.10,00,000/=. Today complainant in FIR No.112/2025 has appeared and disclosed the modus operandi of applicant who brought him to sale the vehicle in his village and deprived him from huge cash amount. The criminal record of the applicant reflects the mens rea. No doubt, the alleged offence does not come within the ambit of prohibitory clause of section 497 Cr.P.C but it is settled position of law that bail can be refused in an exceptional cases as held by Hon'ble Supreme Court of Pakistan in cases reported as **2002 SCMR 442 [Supreme Court of Pakistan]** and **2008 SCMR 678 [Supreme Court of Pakistan].**

7.   In view of above, it appears that applicant is involved in serious offence against society and there is criminal record of the applicant, therefore, he is not entitled for grant of bail, therefore, application for grant of post arrest bail is **dismissed**. However, learned trial court is directed to expedite the matter and conclude the same preferably within 02 months and submit such compliance report through Additional Registrar of this Court.

8.   The observations made in this decision are of a tentative nature and will not influence the merits of the case.

JUDGE

Faisal