

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-334 of 2025

Applicant: Muhammad Rashid Nawaz S/o Muhammad Aslam Arain,
Through Mr. Muhammad Sultan, Advocate.

Respondent: The State.
Through Mr. Neel Parkash, D.P.G.

Complainant: Durshan S/o Parshan.

Date of Hearing: 11.12.2025

Date of Order: 11.12.2025

ORDER

Shamsuddin Abbasi, J: Through this Bail Application, the applicant/accused Muhammad Rashid Nawaz seeks post-arrest bail in Crime No.58/2025 for offence under sections 397 and 34 P.P.C of PS Digri, after dismissal of his bail plea by the learned Additional Sessions Judge-I, Mirpurkhas, vide order dated 31.10.2025.

2. It is alleged in the F.I.R that on 11.05.2025 at about 1200 hours, the complainant along with his brother Madhan Lal was stopped on gunpoint by two unknown persons who arrived on a motorcycle near the junk shop of Ashraf Mahajir, where the accused allegedly robbed cash amount of Rs.103,000/-, one touch mobile phone and two cartons of motorcycle oil and thereafter they fled away towards Digri side, hence the complainant lodged instant F.I.R.

3. Learned counsel for the applicant argued that there is an unexplained delay of 19 days in the registration of FIR. He further submitted that alleged recovery is foisted upon 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 D.P.G submits that there is series of FIRs against the applicant/accused which have been lodged by the different people, as such he is not entitled for grant of bail.

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

6. From the tentative assessment of material available on record, it appears that the applicant is allegedly involved in street-crime activities of similar nature. Moreso, during course of the investigation applicant produced robbed touch screen mobile phone before I.O, which connects the applicant with the alleged offence. Learned D.P.G has placed on record the criminal history of the applicant which reveals that he is involved in 11 FIRs of the same nature, including cases of police encounter. In the present case, the allegation against him is of snatching a motorcycle, mobile phone and cash amount at gunpoint. The criminal record of the applicant prima facie reflects his 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 03 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