

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr.Bail Apnl. No. S-919 of 2025

Applicants : Sheeraz s/o Abdul Abdul Razzaque, Solangi
Through Mr. Dhanraj, Advocate

Cr. Bail Apnl. No. S-1055 of 2025

Nasrullah s/o Riaz Hussain, Chandio
Through Mr. Muhammad Hassan Pathan, Advocate

Complainant : Allah Warayo s/o Hoat Khan, Solangi
Through Mr. Mouladad Rind, Advocate

The State : *Through Mr. Sahfi Muhammad Maher, DPG*

Date of hearing : 18.12.2025

Date of order : 18.12.2025

ORDER

KHALID HUSSAIN SHAHANI, J.— By this consolidated order, Criminal Bail Application No.S-919 of 2025 (post-arrest bail) and Criminal Bail Application No.S-1055 of 2025 (pre-arrest bail) are disposed of. Both applications arise from a case bearing Crime No.327/2025, for offences under Sections 457 and 380 PPC, registered at Police Station Naushahro Feroze. The applicants, Sheeraz Solangi and Nasrullah Chandio, are accused of having broken into the house of the complainant, Allah Warayo Solangi, and having stolen household articles and a substantial amount of cash. The learned Additional Sessions Judge-II, Naushahro Feroze, had earlier declined bail to both applicants vide orders dated 16.09.2025 and 23.10.2025 respectively, prompting the present applications before this Court.

2. The prosecution case, as distilled from the FIR dated 20.08.2025, is that on 16.08.2025 at about 0200 hours, the complainant Allah Warayo, along with Imdad Solangi, Nazim Kalhoro and other family members, was returning home after attending a funeral. As they approached the house, they observed, under the electric light, the applicants, accompanied by two unknown persons, emerging from the complainant's locked house. Sheeraz was allegedly carrying a cloth bundle. On being seen, all the accused fled the scene. Upon entering the

house, the complainant found the door broken, an iron rod lying on the floor, household articles scattered, and cash amounting to Rs. 26,20,000/- missing. It is further stated that in the morning, the complainant confronted Sheeraz and Nasrullah, who gave false assurances regarding the return of the property. Efforts to resolve the matter through elders of the accused proved futile, leading to the registration of the FIR on 20.08.2025.

3. Learned counsel has urged that the applicants are innocent and have been falsely implicated in a fabricated case, the genesis of which lies in a matrimonial dispute between the families of the complainant and the accused. It is contended that the entire narrative of the prosecution is inherently suspect and lacks credibility. A crucial point raised is the inordinate delay of about fourteen days in the registration of the FIR, which, in the absence of any plausible explanation, casts serious doubt on the veracity of the prosecution's version. It is further submitted that all the witnesses named in the FIR are closely related to the complainant, thereby raising a legitimate apprehension of bias and collusion.

4. Counsel has also highlighted that the Investigating Officer, during the course of investigation, did not proceed against Nasrullah Chandio and effectively let him off, which indicates that even the prosecution's own investigation does not treat him as a serious suspect. In such circumstances, the case, it is urged, requires further inquiry rather than outright denial of bail. Reliance is placed on the settled principle that offences under Sections 457 and 380 PPC do not fall within the prohibitory clause of Section 497(1) Cr.P.C., and that in such cases, the grant of bail is the rule and refusal is the exception, to be resorted to only in extraordinary circumstances.

5. The learned Deputy Prosecutor General, supported by the learned counsel for the complainant, has opposed the confirmation and grant of bail. It is submitted that both applicants are specifically named in the FIR with distinct roles in the alleged offence and are not mere casual or shadowy figures. The

delay in lodging the FIR, it is argued, has been satisfactorily explained by the complainant and does not vitiate the prosecution case. The State contends that the applicants, having been formally nominated in the FIR and the challan, should not be granted bail at this stage, and that the applications ought to be dismissed.

6. At the stage of bail, the Court is not required to conduct a mini-trial or to weigh the evidence with the same rigor as at the trial stage. The function is to make a tentative assessment of the material on record and to determine whether there exists a reasonable doubt as to the guilt of the accused, such that the case falls within the domain of “further inquiry” contemplated under Section 497(2) Cr.P.C. The Honourable Supreme Court of Pakistan, in *Jamaluddin v. The State* (2023 SCMR 1243), has reiterated that where the available material creates a reasonable doubt that the accused might not be guilty, bail must be granted to ensure that the accused is not subjected to unnecessary incarceration pending trial.

7. Further, the well-settled law, as enunciated in *Tariq Bashir v. The State* (PLD 1995 SC 34), is that in cases not falling within the prohibitory clause of Section 497(1) Cr.P.C., the grant of bail is the rule and refusal is the exception. Bail may be denied only in extraordinary circumstances, such as where there is a real likelihood of the accused absconding, tampering with prosecution evidence, or misusing the concession of bail in a manner prejudicial to the ends of justice.

8. A careful examination of the record reveals several factors that collectively cast a shadow of doubt over the prosecution narrative and militate against a categorical conclusion of guilt at this stage.

9. First, the FIR was lodged with an extraordinary delay of about fourteen days after the alleged incident. The complainant claims that the incident occurred on 16.08.2025 at 0200 hours, yet the FIR was registered only on 20.08.2025. This delay, in the absence of any cogent explanation in the

record, raises a legitimate suspicion that the case may have been concocted after due deliberation and consultation, possibly to settle a personal score. Delay in lodging an FIR, especially in a serious property offence involving a large sum of money, is a factor that courts have consistently treated as a material circumstance affecting the credibility of the prosecution story.

10. Second, the entire array of witnesses named in the FIR are closely related to the complainant. This close familial nexus creates a real possibility of bias and collusion, and further undermines the reliability of the prosecution's version. In such circumstances, the Court cannot treat the prosecution case as unassailable or beyond doubt.

11. Third, the Investigating Officer, during the course of investigation, did not proceed against Nasrullah Chandio and effectively let him off. This conduct of the IO, even at the investigative stage, indicates that the evidence against Nasrullah is not so strong as to warrant his continued prosecution, at least in the absence of further inquiry. The fact that Nasrullah has been on interim pre-arrest bail for about one and a half months without any complaint of misuse or absconding further strengthens the case for confirming his bail.

12. Fourt, the case has already been challaned, and the accused are no longer required for the purpose of investigation. There is no suggestion in the record that the applicants are likely to abscond, tamper with evidence, or otherwise misuse the concession of bail. In such circumstances, continued incarceration serves no useful purpose and would amount to punitive detention in the absence of a conviction.

13. In view of the aforesaid, the Court is satisfied that the present case falls within the ambit of "further inquiry" as envisaged under Section 497(2) Cr.P.C. The material on record, when viewed in the light of the settled principles of bail jurisprudence, creates a reasonable doubt as to the guilt of the applicants. The delay in lodging the FIR, the close relationship of the witnesses with the complainant, and the Investigating Officer's conduct in letting

Nasrullah off, all point towards the need for further inquiry rather than outright denial of bail.

14. Accordingly, both Criminal Bail Applications are allowed.

- *The interim pre-arrest bail previously granted to applicant Nasrullah Chandio is hereby confirmed on the same terms and conditions, with the direction that he shall join the investigation/trial as and when required by the learned trial court.*
- *Applicant Sheeraz Solangi shall be released on bail, subject to furnishing a solvent surety in the sum of Rs. 50,000/- (Rupees fifty thousand only) and a personal recognizance bond in the like amount, to the satisfaction of the learned trial court.*

15. It is clarified that any observations made herein are tentative in nature and shall not prejudice or influence the learned trial court in the adjudication of the case on merits. The applications are disposed of in the above terms.

16. The office is directed to place a signed copy of this order in the captioned connected matter.

J U D G E