

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail Appln. No. S-700 of 2025

Applicant : Munir Ahmed son of Abdul Rehman, Kalhoro
Through Mr. Jawad Hussain Rajpar, Advocate

Cr. Bail Appln. No. S-725 of 2025

Applicant : Sabir Hussain son of Raheem Bux, Kalhoro
Through Mr. Jawad Hussain Rajpar, Advocate

Complainant : Abid Ali son of Khamiso, by caste Phulpoto,
in person

The State : Through Mr. Mansoor Ahmed Shaikh, DPG

Date of hearing : 06.11.2025

Date of order : 06.11.2025

ORDER

KHALID HUSSAIN SHAHANI, J.— The instant matter pertains to two connected bail applications wherein the applicants Munir Ahmed Kalhoro and Sabir Hussain Kalhoro seek pre-arrest and post-arrest bail respectively in Crime No.36 of 2025, for an offence punishable under Section 397 of the Pakistan Penal Code, registered at Police Station Piryalo, District Khairpur, involving allegations of armed robbery. The learned trial court had earlier declined both applications vide separate Orders dated 12.08.2025.

2. The factual matrix, as narrated in the FIR lodged by the complainant Abid Ali, discloses that on the night of June 24, 2025, around 10:30 p.m, the complainant was traveling with his brother Muhammad Nawaz and uncle Ranjhan on a CD-70 motorcycle when the applicants, armed with pistols and accompanied by others, intercepted them near the tube well of Haji Abdul Rehman Baloch. It is alleged that Sabir Hussain forcibly took a mobile phone and Rs.15,000 from the complainant; Munir Ahmed robbed Rs.10,000 from Muhammad Nawaz; accused Abid took Rs.15,000 from Ranjhan; and Sabir Hussain also appropriated the motorcycle. When the complainant resisted, Munir Ahmed fired a pistol

causing injury on the right thigh of the complainant. The assailants thereafter absconded. The complainant received medical treatment and subsequently lodged the FIR.

3. The applicants' counsel has vigorously urged that the applicants are innocent and have been falsely implicated. It was placed before this Court that the complainant, who also stands as the injured eyewitness, has tendered an affidavit and appeared in court affirming that the applicants are not guilty and that he has no objection to their release on bail. The counsel emphasized the divergence between the initial FIR version and the current stance of the complainant, which fundamentally brings the case within the ambit of "further inquiry" as envisaged by Section 497(2) of the Code of Criminal Procedure. Reliance was placed on the paramount principle that bail is a rule and jail an exception, especially when there exist substantial doubts about the accused's involvement that can only be satisfactorily resolved during trial.

4. The Deputy Prosecutor General accepted the complainant's revised position and did not oppose the grant of bail to the applicants, showing acquiescence to the changed factual scenario.

5. This Court, after due consideration of the records, submissions, and the complainant's statement in open court, finds that the case falls within the classical parameters where bail should be granted. The complainant's presence in court to disown the accusations against the applicants is not a matter to be lightly disregarded. His conduct introduces tangible doubts about the prosecution's version as recorded in the FIR which compels this Court to extend the benefit of further inquiry to the applicants.

6. It is settled principle of law that grant of bail is dependent upon the nature and gravity of accusation, the possibility of the accused fleeing from justice, and the chances of tampering with evidence, among other factors. Furthermore, when the evidence against the accused is not

overwhelming and conflicting versions exist, bail should be granted. Besides, the changed attitude of the complainant or material contradictions between the FIR and subsequent statements can justify bail on the ground of further inquiry. The grant of bail, therefore, must be exercised with caution but not in a mechanical fashion, upholding the fundamental right to liberty as enshrined in Article 10-A of the Constitution, which mandates fair trial as the cornerstone of justice.

7. Accordingly, bail is not to be refused merely on the allegations' gravity when other vital considerations weigh in favor of the accused. Here, the Court notes that the applicants have been nominated on suspicion which has subsequently been challenged credibly by the direct bystander and injured witness. The trial court is the proper forum for detailed adjudication of all conflicting versions and evidence.

8. In view of these reasons, this Court affirms the interim pre-arrest bail of Munir Ahmed Kalhoro already granted on August 15, 2025, by is admitted to post-arrest bail upon furnishing solvent surety and P.R. bond each in the sum of Rs.50,000 to the satisfaction of the trial court, as recorded in the short order dated November 6, 2025.

9. It is emphasized that these observations are provisional and strictly confined to these bail applications, leaving all substantive issues and evidence to be fairly evaluated at trial without prejudice to either party.

10. Office is directed to place a signed copy of this order in the connected bail applications.

J U D G E