

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-295 of 2025

Applicant: Ghulam Murtaza S/o Ghulam Mustafa,
Through Mr. Mir Sarfaraz Ali Talpur, Advocate.

Respondent: The State.
Through Mr. Azhar Nizam Baloch, A.P.G.

Complainant: Ilyas Manzoor S/o Manzoor-ul-Haq,
In person.

Date of Hearing: 13.11.2025

Date of Order: 13.11.2025

O R D E R

Shamsuddin Abbasi, J: Through this Bail Application, the applicant/accused seeks post arrest bail in F.I.R No.120/2025 for offence punishable under section 381-A P.P.C registered at P.S Satellite Town, after dismissal of his bail plea by the learned Additional Sessions Judge-I, Mirpurkhas, vide order dated 16.10.2025.

2. Brief facts of the prosecution case are that complainant went to Saudi Arabia to perform Umrah and parked his motorcycle outside his house and when he returned back, his motorcycle was missing and thereafter he approached to PS after the delay of 19 days and on the next day, the motorcycle was recovered from the possession of the applicant and co-accused Asif.

3. Learned counsel for the applicant has mainly contended that the applicant is not nominated in the F.I.R and the alleged offence does not come within the ambit of prohibitory clause of section 497 Cr.P.C, therefore, he is entitled for grant of bail.

4. Learned A.P.G for the State assisted by complainant has opposed for grant of bail on the ground that recovery has been effected from possession of the applicant which connects him with the commission of alleged offence, therefore, he is not entitled for grant of bail.

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

6. No doubt, the alleged offence is unseen and there is delay of 19 days in lodgment of F.I.R. The only piece of evidence against applicant is recovery of motorcycle from possession of applicant and co-accused Asif. The alleged offence does not fall within the ambit of prohibitory clause of section 497 Cr.P.C and grant of bail in like cases is a rule and its refusal is an exception as held in a case of *Muhammad Tanveer v. The State and another* reported in **PLD 2017 S.C 733**. No purpose would be served out to keep him incarceration. Sufficient grounds are available which make out a case of applicant for further enquiry in terms of Section 497(2) Cr.P.C.

7. In view of the above, the applicant is admitted on post arrest bail subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and a P.R Bond in the like amount to the satisfaction of learned trial court.

8. The observations made here-in-above are tentative in nature and would not prejudice the case of either party at the trial.

The application stands disposed of.

JUDGE

Faisal