

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
MIRPURKHAS.**

Criminal Bail Application No.S-290 of 2025

Applicant : Aju @ Ajay @ Arjun s/o Kano.
Through Mr. Toseef Ahmed Chandio,
Advocate.

Respondent : The State through Mr. Mazhar Ali Sial,
A.P.G Sindh.

Complainant : Muhammad Fiaz s/o Muhammad Saeed.
Mr. Muhammad Rizwan Hassan Jilani
filed vakalatnama on behalf of the
complainant.

Date of hearing : 13.11.2025.

Date of Order : 13.11.2025.

O R D E R.

SHAMSUDDIN ABBASI, J:- Through the instant bail application, the applicant/accused, namely Aju @ Ajay @ Arjun, seeks post-arrest bail in Crime No.216/2025, registered at Police Station Sanghar for an offence under Sections 381-A PPC. His post-arrest bail application was earlier dismissed by the Court of learned Additional Sessions Judge-II, Sanghar, vide order dated 13.10.2025.

2. Brief facts of the prosecution case are that the complainant had parked his motorcycle in front of his shop and when he returned back, his motorcycle was missing and thereafter he approached to Police Station after the delay of 25 days and registered the FIR against unknown person.

3. Learned counsel for the applicant has mainly contended that the applicant is not nominated in the FIR and alleged offence does not fall within the ambit of prohibitory clause of section 497 Cr.P.C. He has further argued that the complainant is not an eyewitness to the theft of the motorcycle. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case; that there

is a delay of 25 days in the lodgment of the FIR without any plausible explanation. He further argued that the case of the applicant/accused falls within the ambit of further inquiry and prays for grant of post-arrest bail to the applicant/accused.

4. On the other hand, the learned Assistant Prosecutor General has vehemently opposed the grant of post-arrest bail to the applicant/accused on the ground that there is a CRO of the applicant/accused and he is involved in five other like-nature cases. In rebuttal, the learned counsel for the applicant/accused has argued that the applicant/accused is already admitted to bail in other cases, and mere pendency of criminal cases does not make out a valid ground for refusal of bail.

5. Mr. Muhammad Rizwan Hassan Jilani, Advocate, has filed a vakalatnama on behalf of the complainant and has submitted a no-objection affidavit on behalf of the complainant, raising no objection if bail is granted to the applicant/accused.

6. Heard learned counsel for the applicant, learned counsel for the complainant, learned A.P.G and perused the record.

7. Admittedly, there is a delay of 25 days in the lodgment of the FIR, which indicates that the same was registered after due consideration, deliberation, and consultation. The complainant himself is not an eyewitness to the alleged theft of the motorcycle. The alleged offence does not fall within the ambit of the prohibitory clause of Section 497(1), Cr.P.C., wherein the grant of bail is a rule and its refusal an exception as held by the Hon'ble **Supreme Court of Pakistan in case of Muhammad Tanveer v. The State** reported in **PLD 2017 SC 733**. The complainant has also raised no objection to the grant of bail to the applicant/accused.

8. In view of the above, the applicant admitted on post-arrest bail, subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand Only), to the satisfaction of the learned trial Court.

9. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.

JUDGE

Adnan Ashraf Nizamani