

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail Appln. No. S – 1235 of 2025

Applicant : Muhammad Aalim S/o Qamar Din, Rajper
Through Mr. Achar Khan Gabol, Advocate

Complainant : Aijaz Ali s/o Sikander Ali, Gadhi
Through Mr. Munawar Abbas Chandio,
Advocate

The State : *Through* Mr. Mansoor Ahmed Shaikh, DPG

Date of hearing : 29.01.2026
Date of short order : 29.01.226
Date of reasons : 30.01.2026

ORDER

KHALID HUSSAIN SHAHANI, J.— Applicant Muhammad Aalim seeks post-arrest bail in a case bearing Crime No.125 of 2025, for offence under Section 395 PPC, registered at Police Station Bhiria City. His earlier bail plea was declined by the learned 1st Additional Sessions Judge (MCTC), Naushahro Feroze, on 26.09.2025.

2. As per FIR, on 11.08.2025 at 12:30 a.m. the applicant and co-accused allegedly injured the chowkidar of an under-construction hospital and committed dacoity of iron rods, electric wire coils, a generator, a motorcycle, a water motor and mobile phones, allegedly worth Rs.33,80,000/-.

3. Learned counsel for the applicant submits that FIR was lodged after about 13 days of the incident and the applicant's nomination came after a further delay of about 13/15 days, without disclosing the source of information; that the complainant is not an eye-witness, the alleged eye-witnesses are from another district, the occurrence was at 12:30 a.m. and identification on the basis of an electric bulb, without any test identification parade, is inherently doubtful; that no specific recovery has been effected from the exclusive possession of the applicant and the alleged joint recovery of eight maunds iron from the applicant and co-accused is of a common,

easily available commodity with no make or description in the FIR; that the injuries to the *chowkidar* are simple, falling under Section 337-L(ii), PPC; and that co-accused Allah Dino has already been granted post-arrest bail, therefore rule of consistency also favors the applicant. On this basis, it is argued that the case falls within the ambit of further inquiry under Section 497(2) Cr.P.C.

4. Learned DPG, assisted by learned counsel for the complainant, opposes bail on the grounds that the applicant is specifically named in the FIR, is involved in a grave offence of dacoity, allegedly with recovery of iron and weapon, and is said to be involved in other criminal cases; hence, according to them, he is not entitled to the concession of bail.

5. I have heard the parties and made a tentative assessment of the record. The incident is alleged on 11.08.2025 while the FIR was registered on 24.08.2025, with no plausible explanation for this delay or the later disclosure of the applicant's name with full particulars. The complainant is not an eye-witness; the so-called eye-witnesses are from another district; identification at odd hours on the basis of an electric bulb, in the absence of any test identification parade or prior familiarity, introduces reasonable doubt at this stage.

6. The alleged recovery of eight maunds iron is joint, attributed to the applicant and co-accused, and relates to an item which is commonly available in the market, without any specific description in the FIR to connect it uniquely with the crime. The evidentiary value of such joint recovery, in these circumstances, is a matter for the trial Court.

7. Co-accused Allah Dino, implicated in the same case, has already been granted bail by the trial Court. No distinguishing feature has been pointed out to justify treating the present applicant differently; therefore, the principle of consistency also supports grant of bail.

8. The applicant is in judicial custody, no longer required for investigation, and there is no material indicating that if released he would abscond or tamper with the prosecution evidence. In view of the delayed and unexplained FIR and nomination, doubtful identification, nature of the joint recovery, simple injuries and the parity with co-accused already enlarged on bail, the case falls within the ambit of “further inquiry” under Section 497(2), Cr.P.C.

9. Accordingly, for these tentative reasons, Criminal Bail Application No. S-1235 of 2025 was allowed vide short order dated 29.01.2026. Applicant Muhammad Aalim was admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court. These are detailed reasons thereof.

10. The observations made herein are purely tentative and shall neither prejudice the case of either party nor influence the learned trial Court, which shall decide the matter strictly on the basis of evidence adduced before it and in accordance with law.

J U D G E