

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-01 of 2026

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Applicant: Zubair Hussain S/o Zakir Hussain,
Through Mr. Kamran Bhatti, Advocate.

Respondent: The State
Through Mr. Neel Parkash, D.P.G.

Complainant: Harchand S/o Arjun. (Called absent).

Date of Hearing: 03.02.2026

Date of Order: 03.02.2026

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O R D E R

Miran Muhammad Shah, J-: Applicant Zubair Hussain seeks post-arrest bail in Crime No.81 of 2025 for offence under Sections 397 and 34 P.P.C registered at Police Station Mehran, after dismissal of his bail plea by the learned Sessions Judge, Mirpurkhas, vide order dated 20.12.2025.

2. The details and particulars of the F.I.R are already available in bail application and the F.I.R, as such, need not to reproduce the same hereunder.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case; that the name of the applicant does not figure in the FIR; that the FIR was lodged with a delay of 22 hours and 30 minutes without any plausible explanation; that there is no direct evidence on record connecting the applicant with the alleged offence; that no recovery has been effected from the possession of the applicant and the case property has been falsely foisted upon him by the police; that no identification parade was conducted during the course of investigation; and that no specific role has been assigned to the applicant in the alleged offence. Lastly, he prayed for the grant of bail.

4. Conversely, learned D.P.G., Sindh has vehemently opposed the grant of

bail to the applicant/accused on the ground that the complainant, in his further statement, has disclosed the name of the applicant/accused; that the alleged case property has been recovered from the possession of the applicant/accused; that the memo of arrest and recovery is available on record. He prayed for dismissal of the instant bail application.

5. I have heard the learned counsel for the applicant, learned D.P.G for the State and perused the record.

6. It transpires that the applicant was not nominated in the FIR and was subsequently challaned solely on the basis of alleged recovery. However, it is not explained as to how the police came to know about the involvement of the applicant in the alleged offence. Admittedly, no identification parade was conducted before the learned trial Court. At this stage, no direct or independent evidence is available on record connecting the applicant with the alleged offence. The alleged recovery appears to be doubtful, as the memo of arrest and recovery shows that an employee of the complainant is one of the mashirs, which creates serious doubt and leads to the inference that nothing was recovered from the possession of the applicant and that the case property was foisted upon him. The case has already been challaned and the applicant is no more required for further investigation. The question regarding the veracity of the prosecution case and the alleged role of the applicant can only be determined after recording of evidence. In these circumstances, the applicant is 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.

7. 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