

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.

Criminal Bail Application No.S-227 of 2026

Applicant : Ghulam Shabir through Mr. Nadeem Rind, Advocate.

Respondent : The State through Mr. Khalid Hussain Lakho, Deputy Prosecutor General, Sindh along with Inspector Atta Muhammad Mangi PS Tando Yousuf.

Date of hearing : 11.03.2026.

Date of Order : 11.03.2026.

ORDER.

RIAZAT ALI SAHAR, J:- Through instant bail application, the above named applicant/accused seeks post-arrest bail in Crime No.71/2025 registered at Police Station Tando Yousuf, District Hyderabad for the offence under sections 397, 34 PPC. Earlier two bail applications filed by the applicant/accused were declined by the learned Model Criminal Trial Court/1st Additional Sessions Judge, Hyderabad vide orders dated 28.08.2025 and 24.11.2025 respectively.

2. Brief facts of the prosecution case, as reflected in FIR are that the complainant namely Mujtaba son of Ghulam Hussain Arain alleged that on 05.06.2025 at about 02:20 p.m. while he was proceeding towards his Ice Factory situated near Jewan Shah Shrine, Husri Road, on his motorcycle bearing registration No. HEB-7853, three unknown persons with muffled faces, riding a China motorcycle, intercepted him near Tando Haider Curve (Morr) close to Kalhora Flyover. It is alleged that the accused persons, while armed with pistols, forcibly stopped him and on the strength of weapons snatched from him cash amounting to Rs.20,000/-, a VIVO mobile phone bearing the mentioned IMEI numbers and his motorcycle and thereafter fled away from the spot. Subsequently, the complainant lodged the present FIR against unknown persons. During investigation, the present applicant/accused was arrested by the police on 21.07.2025 allegedly after an encounter and the robbed motorcycle was stated to have been recovered from his possession. The bail application of the applicant/accused was earlier dismissed by the learned 1st Additional Sessions Judge, Hyderabad vide order dated 28.08.2025, and thereafter his second bail application was

also dismissed by the same court vide order dated 24.11.2025. Hence, the present bail application has been filed before this Court.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the present case by the police with *mala fide* intentions. He contended that the FIR was lodged after an unexplained delay of about one month and fifteen days which renders the prosecution story doubtful. He further contended that the applicant was not nominated in the FIR and the occurrence was attributed to unknown masked persons; therefore, the subsequent implication of the applicant without holding an Identification Parade Test is legally unsustainable. Learned counsel also contended that the applicant was illegally picked up by the police on 01.07.2025 and was later shown arrested in the present case after the filing of an application under Section 491 Cr.P.C. by his mother, which reflects *mala fide* on the part of the police. He further contended that no credible evidence connects the applicant with the alleged offence and that the case of the prosecution is based on fabricated recovery. He further contended that mere pendency of other criminal cases does not deprive the applicant from the concession of bail, particularly when the present case calls for further inquiry under Section 497 (2) Cr.P.C.

4. Conversely, learned Deputy Prosecutor General Sindh opposed the bail application and submitted that sufficient material is available on record connecting the applicant with the commission of the alleged offence. He contended that the applicant was arrested in injured condition during a police encounter and the robbed motorcycle belonging to the complainant was recovered from his possession in the presence of mashirs under a proper recovery memo. He further contended that the offence alleged against the applicant is serious in nature and pertains to robbery committed with the use of weapons which creates fear and insecurity in society. Learned D.P.G. further contended that the applicant is involved in several other cases of similar nature which indicates that he is a habitual offender and there exists a strong likelihood that if released on bail he may repeat such offences or tamper with prosecution evidence. He, therefore, prayed for dismissal of the bail application.

5. I have heard the learned counsel for the applicant, learned Deputy Prosecutor General Sindh and have carefully examined the material available on record.

6. In this case, the applicant seeks concession of post-arrest bail in a case involving the offence of robbery, wherein it is alleged that the

complainant was intercepted by armed persons who deprived him of his motorcycle, cash and mobile phone at gunpoint. The offence alleged is not only serious in nature but also directly affects the sense of security of the public at large. Street crimes and robberies committed with the use of weapons have unfortunately become frequent and such offences require careful consideration while deciding bail matters. **A tentative assessment of the record reveals that the applicant/accused was arrested on 21.07.2025 in injured condition by the police party after an encounter and the robbed motorcycle, one Mobile Phone of VIVO company belonging to the complainant was allegedly recovered from his possession in the presence of mashirs through a recovery memo. The recovery of the robbed property from the possession of the applicant *prima facie* connects him with the commission of the offence.** At this stage, the veracity or otherwise of such recovery cannot be minutely examined as deeper appreciation of evidence is not permissible at the bail stage.

7. It is also significant to note that the bail **application of the applicant was previously dismissed on merits by the learned trial Court vide order dated 28.08.2025 after considering the available material on record. Thereafter, the second bail application was also dismissed by the same court on 24.11.2025** on the ground that no fresh grounds were available warranting reconsideration of the matter. The law is well settled that a second bail application before the same forum can only be entertained if fresh grounds arise which were not available at the time of earlier bail application. In the present case, no such substantial or fresh ground has been brought on record which may justify reconsideration of the matter.

8. Furthermore, the record reflects that the applicant is involved in several other criminal cases of similar nature including offences under Sections 397, 353, 324 and 34 PPC as well as offences under the Arms Act. As per criminal record of the applicant/accused Ghulam Shabbir, it appears that he is involved in five similar types of offences, which are pending adjudication. The details is as under:-

1. Crime No.212/2025 under section 353, 324, 34 PPC registered at PS Husri.
2. Crime No.134/2024 under section 397, 34 PPC registered at PS Tando Yousuf.
3. Crime No.71/2025 under section 397, 34 PPC registered at PS Tando Yousuf. (Present crime).

4. Crime No.72/2025 under section 397, 34 PPC registered at PS Tando Yousuf.
5. Crime No.73/2025 under section 25-A Arms Act, 2013 registered at PS Tando Yousuf.

The involvement of the applicant in multiple cases of robbery and violent offences *prima facie* indicates his tendency towards criminal activity. Such circumstances create a reasonable apprehension that if released on bail the applicant may again indulge in similar offences or may interfere with the prosecution evidence. The contention of the learned counsel for the applicant regarding delay in lodging the FIR and non-holding of identification parade test are matters which require deeper appreciation of evidence and can more appropriately be examined by the learned trial Court during the course of trial. At this stage, when recovery of the robbed property has been effected from the possession of the applicant and he was arrested soon after the incident, such arguments are not sufficient to bring the case within the purview of further inquiry.

9. It is also a settled principle that while deciding bail applications the Court has to consider the nature of the accusation, the severity of offence and its punishment in case of conviction, the likelihood of repetition of the offence and the overall circumstances of the case. The allegations in the present case involve robbery committed with the use of firearms which is a grave offence against society. The material available on record tentatively connects the applicant with the commission of the offence and the possibility of repetition of similar crimes cannot be ruled out. Prosecution had presented substantial material to establish a *prima facie* case against the applicant and strongly linked the applicant to the present offence.

10. In view of the above circumstances, I am of the tentative opinion that sufficient grounds exist for believing that the applicant is connected with the commission of the alleged offence and the case does not fall within the ambit of further inquiry as contemplated under Section 497 (2) Cr.P.C. Therefore, the applicant has failed to make out a case for the grant of post-arrest bail. Consequently, the instant bail application is **dismissed**. These are the reasons for my short order dated **11.03.2026**.

JUDGE