

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

Criminal Bail Application No.S-256 of 2026

Applicant : Mst. Robina through Mr. Muhammad Nadeem Sehto, Advocate.

Respondent : The State through Mr. Siraj Ahmed Bijarani, Assistant Prosecutor General, Sindh.

Complainant : Riaz-un-Nabi (CNIC # 41201-6223629-7) present in person.

Date of hearing : 06.03.2026.

Date of Order : 06.03.2026.

ORDER.

RIAZAT ALI SAHAR, J:- Through instant bail application, the above named applicant/accused seeks post-arrest bail in Crime No.36/2026 registered at Police Station A-Section Dadu, District Dadu for the offence under sections 380, 454, 419, 420, 34 PPC. Earlier the bail plea of the applicant/accused was firstly declined by the learned Civil Judge & Judicial Magistrate-III, Dadu vide order dated 16.02.2026 and then the learned Additional Sessions Judge-II, Dadu vide order dated 23.02.2026.

2. Brief facts of the prosecution case, as set out in FIR are that on 17.12.2025 at about 01:00 p.m., the complainant along with his family members was present at his house when eight unknown women, one of whom was carrying a child, came to his house under the pretext of begging and singing (sehra). It is alleged that they demanded water and entered the rooms of the house and when they were restrained, they created a disturbance as a result of which the complainant and his family members allegedly became unconscious. Thereafter, the said women allegedly opened the cupboard and committed theft of cash amounting to Rs.237,000/- along with two pairs of gold earrings and two gold nose pins and fled from the house. It is further alleged that later on the complainant saw news reports regarding a similar incident at Tando Muhammad Khan and after watching certain videos and photographs he claimed to have identified the accused

persons including the present applicant and subsequently lodged the present FIR on 02.02.2026.

3. The applicant/accused was already in custody in another case and was subsequently shown arrested in the instant case. Her bail application was earlier dismissed by the learned Civil Judge/Judicial Magistrate-III, Dadu vide order dated 16.02.2026 and thereafter by the learned 2nd Additional Sessions Judge, Dadu vide order dated 23.02.2026. Hence, the present bail application has been filed before this Court.

4. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the present case merely on the basis of suspicion arising out of viral videos and photographs circulated on social media. He contended that there is an unexplained delay of about forty-five days in lodging the FIR, which renders the prosecution story doubtful. He contended that no recovery whatsoever has been effected from the possession of the applicant and no specific role has been attributed to her in the FIR. Learned counsel further contended that the applicant was already in custody in another case and was identified by the complainant at the police station without holding a proper identification parade before a Magistrate, which makes the alleged identification legally doubtful. He contended that the offences alleged do not fall within the prohibitory clause of Section 497 Cr.P.C., the applicant is a woman and mother of a minor child and she has already been granted bail in other connected cases, therefore, the case of the applicant calls for further inquiry and she is entitled to the concession of bail.

5. On the other hand, learned Assistant Prosecutor General Sindh opposed the bail application and contended that the applicant has been specifically nominated and identified by the complainant as one of the women involved in the incident. He contended that the statements of witnesses recorded under Section 161 Cr.P.C. also implicate the applicant in the commission of the offence. He also contended that the accused persons committed house trespass and theft by deceit and fraud and the material available on record tentatively connects the applicant with the alleged offence. Learned A.P.G. Sindh further contended that sufficient grounds exist to believe that the applicant was involved in the commission of the offence and prayed for dismissal of the bail application.

6. Complainant, who was present in person, also opposed the bail application and submitted that the applicant along with her co-accused

committed theft from his house and has been properly identified by him. He further submitted that the applicant is involved in other criminal cases of similar nature and if released on bail she may again indulge in such activities. He, therefore, prayed that the bail application be dismissed.

7. I have heard the learned counsel for the parties at considerable length and have carefully examined the material available on record.

8. Admittedly, the offences alleged against the applicant under Sections 380, 454, 419 and 420 PPC, do not fall within the prohibitory clause of Section 497 Cr.P.C. **It is well settled principle of law that in cases not falling within the prohibitory clause, the grant of bail is a rule and refusal is an exception, unless exceptional circumstances exist which justify the continued detention of the accused.** A tentative assessment of the record reflects that the occurrence is alleged to have taken place on 17.12.2025 whereas the FIR was lodged on 02.02.2026 (delay of 47 days), which shows a considerable delay in registration of the case. Although an explanation has been offered in the FIR that the complainant came to know about the alleged culprits after seeing certain news reports and videos, nevertheless such delay creates a dent in the prosecution case and requires deeper appreciation of evidence which can only be undertaken at the time of trial.

9. It is further noticeable that the identification of the applicant is stated to have been made by the complainant at the police station when the applicant was already in custody in another case registered at Police Station Women Tando Muhammad Khan. **Admittedly, no identification parade was conducted before a Magistrate in accordance with law.** It is a settled proposition that identification made in the police station without holding a proper identification parade carries little evidentiary value and its veracity can only be tested during trial. In the instant case, the accused were charged for committing house trespass and theft by deceit and fraud and the complainant came to know about the alleged culprits after seeing certain news reports and videos as such, in order to prove the identities of the accused as being the accused involved in the occurrence, it was necessary to have conducted identification parade but failed to get conducted identification.

10. Another significant aspect of the matter is that no recovery of the alleged stolen property has been effected from the possession of the present applicant. **The absence of recovery at this stage further**

weakens the tentative connection of the applicant with the alleged offence. It is also an admitted position that the applicant was already in custody in another case and was subsequently shown arrested in the present case. Moreover, the record reflects that in the other cases registered against her, being Crime No.01 of 2026 of Police Station Women Tando Muhammad Khan and Crime No.38 of 2026 of Police Station Market Hyderabad, the applicant has already been admitted to bail by the competent Courts. Therefore, the mere pendency of those cases cannot by itself be treated as sufficient ground to refuse bail in the present matter. Furthermore, the role attributed to the applicant in the FIR is general in nature and no specific act has been assigned to her individually. The question as to whether the applicant actually participated in the commission of the offence or not is a matter which requires deeper appreciation of evidence and recording of testimony of witnesses, which can only be undertaken by the learned trial Court at the stage of trial.

11. It is also pertinent to observe that the applicant is a woman and is stated to be the mother of a minor child. Her prolonged incarceration without conclusion of trial would not be justified, particularly in circumstances where there is considerable delay in lodging the FIR, no recovery has been effected from her possession, the alleged identification was made at the police station without holding a test identification parade before a Magistrate and the allegations attributed to her are general in nature. Moreover, the offences alleged do not fall within the prohibitory clause of Section 497 Cr.P.C. In such circumstances, the case of the applicant *prima facie* calls for further inquiry within the meaning of Section 497 (2) Cr.P.C. and at this stage sufficient grounds do not exist to justify her continued detention. The Honourable Supreme Court of Pakistan in case of ***AKHTAR v. KHAWAS KHAN and another (2024 SCMR 476)*** has held that:

“6. It is a well settled notion of law that further inquiry is a question which must have some nexus with the result of the case for which a tentative assessment of the material on record is to be considered for reaching a just conclusion. It pre-supposes the tentative assessment which may create doubt with respect to the involvement of the accused in the crime. The law of bails is not a stagnant law but is developing with the exigencies of time. The expression "reasonable grounds" as contained under section 497, Cr.P.C., necessitated the prosecution to show that it is in possession of sufficient material or evidence to demonstrate that accused had committed an offence falling within the prohibitory limb of section 497, Cr.P.C. However for seeking the concession of bail, the accused person has to show that the material or evidence collected during

investigation against him creates reasonable doubt or suspicion in the prosecution case. While deciding bail applications, it is the foremost duty of the Courts to apply a judicious mind tentatively for reaching the just and proper conclusion regarding whether reasonable grounds are made out or not to enlarge the accused on bail, and the expression 'reasonable grounds' signifies and corresponds to the grounds which are legally rational, acceptable in evidence and attractive to the judicial mind, as opposed to being imaginative, fallacious and/or presumptuous. Whenever reasonable doubt ascends with regard to the involvement of an accused person in the crime or about the certainty or probability of the prosecution case and the evidence proposed to be produced in support of the charge in Court during trial, the accused should not be deprived of the benefit of bail and it would be better to keep him on bail than in jail. The basic idea is to enable the accused to answer the criminal prosecution against him rather than to make him rot behind bars. The accused is entitled to expeditious access to justice, which includes the right to a fair and expeditious trial without any unreasonable or inordinate delay. Certain basic principles regarding grant or refusal of bail are settled i.e. that bail cannot be withheld as punishment; every person is presumed to be innocent unless found guilty by a competent court; every person is entitled to a fair trial, which includes a trial without inordinate delay; and that the basic philosophy of criminal jurisprudence is that the prosecution has to prove its case beyond reasonable doubt and this principle applies at all stages including the pre-trial stage, and even at the time of deciding whether the accused is entitled to bail or not."

12. For what has been discussed above, the instant Criminal Bail Application is **allowed** and the applicant/accused Mst. Robina wife of Karam Ali @ Dinal Khan Mallah is admitted to post-arrest bail in Crime No.36 of 2026 registered at Police Station A-Section Dadu, subject to her furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and P.R bond in the like amount to the satisfaction of the learned trial Court. These are the reasons for my short order dated 06.03.2026. Let a copy of this order be communicated to learned trial Court.

13. Instant criminal bail application stands **allowed**.

14. Let a copy of this order be transmitted to Additional Sessions Judge-II and Judicial Magistrate-III, Dadu for future guidance.

JUDGE