

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

Criminal Bail Application No.S-237 of 2026

Applicant: Faisal Son of Faiz Muhammad through Mr. Naveed Anjum Jarwar, Advocate.

Complainant: Present in person.

Respondent: The State through Mr. Irfan Ali Talpur, D.P.G.

Date of hearing: 16.03.2026

Date of order: 16.03.2026

ORDER

Riazat Ali Sahar, J.- Through the instant bail application filed under Section 497 Cr.P.C., the applicant Faisal seeks post-arrest bail in Crime No.402 of 2025, registered at Police Station A-Section Latifabad, for offences punishable under Sections 436, 427, 506 and 504 P.P.C. His earlier bail application was declined by the learned IV-Additional Sessions Judge/MCTC-II, Hyderabad, vide order dated 15.01.2026.

2. Taking the guidelines from the reported case of 'Muhammad Shakeel v. The State & others' (PLD 2014 Supreme Court 458), this bail application is being drafted in a shorter manner as the facts of the case are mentioned in the Bail Application and the copy of F.I.R attached therewith, hence, needs not to reproduce the same here.

3. Learned counsel for the applicant contended that the complainant is not an eyewitness to the alleged incident. He submitted that although the occurrence is stated to have taken place on the night of 08.10.2025, the FIR was lodged on 09.10.2025 at about 2100 hours with a delay of about one day, which has not been plausibly explained. He further contended

that the complainant is the father of the applicant/accused and that a dispute exists between them, as well as with the applicant's mother, regarding property/land allegedly belonging to the mother of the applicant. It was argued that the complainant intends to forcibly sell the said property, to which the applicant and his mother objected; therefore, the complainant, with mala fide intention, lodged a false FIR to involve the applicant in a criminal case to facilitate disposal of the said property. Learned counsel also submitted that although an allegation of causing damage has been made in the FIR, no specific details of the damaged articles have been disclosed therein. He emphasized that in absence of any eyewitness account except purported witnesses and in view of the admitted dispute between the complainant and the applicant, the case of the applicant squarely falls within the ambit of Section 497(2), Cr.P.C., entitling him to the concession of bail.

4. Conversely, learned Deputy Prosecutor General, assisted by the complainant, opposed the instant bail application and submitted that the applicant/accused is very much involved in the commission of the alleged offence. He contended that as per the FIR, the applicant, while under intoxication, set the complainant's house on fire, thereby causing damage to household articles. Both complainant and learned Prosecutor prayed for dismissal of the instant bail application.

5. I have heard learned counsel for the parties and have carefully perused the material available on record.

6. It is submitted that the FIR in the instant matter has been lodged with an unexplained delay of about one day, which creates serious doubt regarding the authenticity of the prosecution case. No plausible or satisfactory explanation has been furnished by the complainant for such inordinate delay. It is further contended that the FIR has been registered on the basis of hearsay information. The complainant, being the

father of the applicant, has relied upon information allegedly conveyed by unnamed neighbours, which inherently lacks evidentiary value at this stage. It is also submitted that all the offences alleged against the applicant are bailable in nature, except for Section 436 PPC. However, the applicability of Section 436 PPC itself requires further inquiry within the meaning of law, which can only be determined after recording evidence during the course of trial. Moreover, the applicant has remained behind bars for more than five months. The investigation has already been completed and challan has been submitted before the learned trial Court; therefore, the presence of the applicant is no longer required for the purpose of further investigation.

7. In view of the above facts and settled legal position, this Court is of the tentative opinion that the applicant successfully made out a case for the grant of post-arrest bail. Accordingly, the applicant was admitted to bail, subject to furnishing solvent surety in the sum of Rs. 50,000/- with P.R. bond in the like amount to the satisfaction of the learned trial Court.

8. In view of the foregoing circumstances, prima facie the applicants have succeeded in making out a case of further inquiry within the meaning of Section 497(2) Cr.P.C. Consequently, the instant Criminal Bail Application was allowed in terms of my short order dated 16.03.2026. These are the reasons for the same.

9. Before parting with this order, it is clarified that the observations made herein are tentative in nature, and the trial Court shall decide the case strictly on its own merits, without being influenced by any of the observations recorded above.

JUDGE