

**ORDER SHEET
IN THE HIGH COURT OF SINDH CIRCUIT COURT
HYDERABAD**

Criminal Bail Applications No.S-279 of 2026

Applicant: Sajjad through Mr. Imam Bux Dars, Advocate.
Respondent: The State through Mr. Irfan Ali Talpur, Deputy
Prosecutor General, Sindh along with SHO
Ghulam Shabbir Umrani PS Daur and I.O.
Abrar Hussain PS Daur.
Date of hearing: 18.03.2026.
Date of order: 18.03.2026.

ORDER

RIAZAT ALI SAHAR, J: - This order shall dispose of the instant Criminal Bail Application filed on behalf of the applicant/accused Sajjad son of Atta Muhammad Seelro, who is facing trial in Crime No.112 of 2024 registered at Police Station Daur, District Shaheed Benazirabad for the offences punishable under section 324, 397, 342, 337-A (i), 337-F (i), 337-V, 337-L (ii) PPC.

2. Learned counsel for the applicant and learned Deputy Prosecutor General, Sindh were heard at length and the record has been carefully perused. Upon such consideration, I have observed as under:-

- (a) As per the contents of FIR dated 11.07.2024, the complainant alleged that on 10.07.2024 at about 11:00 p.m., while he along with his companion was transporting cattle in a Mazda truck, they were intercepted near Mehran Highway by unknown armed persons who allegedly committed robbery, caused injuries to the complainant with an iron rod and decamped with the vehicle, cash and mobile phones.
- (b) Admittedly, the FIR was lodged against unknown persons. The present applicant has been implicated subsequently through a belated further statement of the complainant recorded on 08.02.2025, i.e., after an unexplained delay of about seven months from the date of

incident, which *prima facie* creates doubt and calls for deeper appreciation at trial.

- (c) It is also an admitted position that no Test Identification Parade of the applicant was conducted during the investigation, despite the fact that the accused were initially unknown. The absence of identification proceedings further weakens the prosecution case at this stage.
- (d) The prosecution case reflects general and omnibus allegations against the applicant without assigning any specific overt act. Mere nomination at a belated stage, without independent corroboration, brings the case within the ambit of further inquiry as contemplated under Section 497 (2) Cr.P.C.
- (e) The alleged recovery of the robbed Mazda truck has been shown as unclaimed property and there is no material available on record connecting the present applicant with such recovery. Furthermore, no incriminating article has been recovered from the possession of the applicant.
- (f) The incident is stated to have occurred at night and the FIR as well as statements under Section 161 Cr.P.C. do not disclose any sufficient source of identification. Even otherwise, no independent private witness has been associated by the prosecution, although the place of occurrence is a public highway.
- (g) The conduct of the complainant in making contradictory further statements, including exoneration of one of the earlier nominated accused, further renders the prosecution story doubtful at this stage.
- (h) The applicant is in custody since 09.02.2025 and the case has already been challaned. There is nothing on record to suggest that the trial shall conclude in the near future. Continued incarceration of the applicant for an indefinite period would amount to punishment before conviction.
- (i) The alleged offences, in the facts of the present case require further probe regarding applicability and role of the applicant, particularly in absence of specific attribution. The offence under Section 342 PPC is

punishable with imprisonment which may extend to three years, while other sections entail punishments up to ten years or more; however, the role of the applicant is not clearly established at this stage. More so, the applicability of section 324 PPC is to be determined at the trial after recording evidence of the prosecution witnesses.

- (j) It is a settled principle of law that where further inquiry is warranted, the accused is entitled to the concession of bail. Moreover, in cases not falling squarely within the prohibitory clause or where reasonable doubt exists, grant of bail is a rule and refusal is an exception.
- (k) No material has been brought on record to show that the applicant is a previous convict.

3. For what has been discussed above, I am of the considered view that the case of the applicant calls for further inquiry within the meaning of Section 497 (2) Cr.P.C. Consequently, the applicant is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand) and a PR bond in the like amount to the satisfaction of the learned Additional Registrar of this Court. These are the reasons for my **short order dated 18.03.2026**.

4. It is clarified that the observations made herein are purely tentative in nature and shall not influence the trial Court in any manner.

5. Criminal bail application stands **allowed**.

JUDGE