

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

Criminal Bail Applications No.S-253 of 2026

Applicant: Ghulam Murtaza @ Murtaza Bajeer through  
Mr. Hemandas S.Sanghani, Advocate.

Respondent: The State through Mr. Irfan Ali Talpur, Deputy  
Prosecutor General, Sindh.

Date of hearing: 16.03.2026.

Date of order: 16.03.2026.

**ORDER**

**RIAZAT ALI SAHAR, J:** - This order shall dispose of the instant Criminal Bail Application filed on behalf of the applicant/accused Ghulam Murtaza @ Murtaza, who is facing trial in Crime No.67 of 2025 registered at Police Station Kadhan District Badin for an offence punishable under section 379, 35 PPC.

2. Briefly, the allegations against the applicant, as per FIR lodged by complainant Imtiaz Ali on 22.12.2025, are that on 20.12.2025 during night hours, the complainant along with other linemen allegedly saw the applicant along with co-accused persons loading electricity wires, which were allegedly cut from electricity poles of different villages, into a Shahzor vehicle and fled away. It is further alleged that wires valuing Rs.1,000,000/- were stolen.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated due to *mala fide*; that the FIR has been lodged with delay of two days without plausible explanation; that the identification in night hours on torch light is doubtful; that no recovery has been effected from the applicant; that co-accused have been granted bail; and that the case falls within the ambit of further inquiry.

4. Conversely, learned D.P.G. Sindh opposed the bail application on the ground that the applicant has been nominated in the FIR.

5. Heard learned counsel for the applicant, learned D.P.G. for the State and perused the available record.

6. After careful consideration of the record and submissions made by the learned counsel, I have observed as under:-

- (a) Admittedly, the occurrence is stated to have taken place during odd hours of night and the identification of the applicant is claimed to have been made in torch light, which *prima facie* appears to be a weak type of evidence and requires deeper appreciation at trial.
- (b) The FIR has been lodged with delay of about two days, for which no satisfactory explanation has been furnished, creating doubt regarding the prosecution version.
- (c) No recovery of the alleged stolen property or incriminating article has been effected from the possession of the present applicant, which weakens the case of prosecution at this stage.
- (d) All the witnesses cited are official witnesses being employees of WAPDA, thus, their evidence requires independent corroboration.
- (e) The offence alleged does not fall within the prohibitory clause of section 497 Cr.P.C., as the punishment provided does not extend to death, imprisonment for life or ten years.
- (f) The applicant is in custody since 26.12.2025 and is no more required for investigation purposes.
- (g) Co-accused persons namely Sadam Hussain and Bashir Ahmed have already been granted bail by the learned trial Court, therefore, the case of the present applicant stands on similar footing on the rule of consistency.
- (h) The overall assessment of the material available on record *prima facie* suggests that the case of the applicant calls for further inquiry within the meaning of section 497 (2) Cr.P.C.
- (i) No material has been brought on record to show that the applicant is a previous convict or hardened criminal, nor there appears any likelihood of his absconding or tampering with prosecution evidence.

7. It is by now a settled principle of law that bail is not to be withheld as punishment and any doubt, if arises, is to be extended in

favour of the accused. At this stage, only tentative assessment of the material is to be made and deeper appreciation of evidence is to be avoided.

8. In view of the above circumstances, I am of the considered view that the applicant has made out a case for grant of post-arrest bail. Consequently, the instant Criminal Bail Application is **allowed**. The applicant/accused Ghulam Murtaza @ Murtaza Bajeer is admitted to post-arrest bail, subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and P.R 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 16.03.2026**.

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

10. Criminal bail application stands **allowed**.

JUDGE