

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Bail Application No.S-298 of 2026.

Cr. Bail Application No.S-299 of 2026.

[Sheroz Ali Vs. The State]

Applicant : Sheroz Ali **through** Mr. Shakeel Ahmed Shaikh,
(In Both B.A). Advocate.

Complainant : Muhammad Ayaz **through** Mr. Mehmood Qadir
(In B.A No.298/26). Khokhar, Advocate.

Respondent : The State **through** Mr. Altaf Hussain Khokhar,
Deputy Prosecutor General.

Date of Hearing : 07.05.2026.

Date of Decision : 07.05.2026.

ORDER

Syed Fiaz ul Hassan Shah, J :- Through these Bail Applications, the Applicant above-named seeks post-arrest Bail in F.I.R No.01/2026, registered at Police Station B-Section Latifabad, District Hyderabad for offence punishable under Section 397, 34-PPC AND in F.I.R No.02/2026, registered at Police Station B-Section Latifabad, District Hyderabad for offence punishable under Section 24-A(i) Sindh Arms Act, 2013. Previously, he applied for the same relief before learned 1st Additional Sessions Judge, Hyderabad in above mentioned both crimes through separate Bail Applications, but the request was declined vide consolidated order dated 08.01.2026.

2. The applicant/accused booked in crime No.01 of 2026 for allegedly looting cash Rs.90,000/- from the general store of complainant (Muhammad Ayaz) situated in Jannat Plaza, Unit No.5, Latifabad Hyderabad on 01.01.2026 at about 1520 hours. Upon chasing, present applicant/accused was apprehended while another culprit escaped away. Since, the pistol was recovered from the possession of applicant/accused, therefore, a separate FIR bearing No.02 of 2026 for offence punishable under Section 24-A(i) Sindh Arms Act, 2013 was lodged. Hence, this case.

3. Counsel for the applicant/accused states that on the identical point and facts, when the complainant gave no objection, this Court entertained the same and granted the Bail Application. He placed his reliance upon case of **Lal Chand and another Vs The State** (2005 YLR 1777).

4. On the other hand, counsel present for complainant raised no objection for grant of bail to the applicant/accused.

5. While, learned D.P.G opposed the bail plea of applicant/accused and stated that the applicant/accused was arrested spontaneously and one pistol was also recovered from the possession of applicant/accused, therefore, he is not entitled for concession of bail.

6. Heard learned counsel for parties and perused the record with their assistance.

7. As per prosecution case, two accused looted articles from the shop of complainant and the applicant/accused was arrested, while one accused made his escape good alongwith money / case property. It is admitted fact that the looted property i.e. cash amount of Rs.90,000/- was not recovered from the possession of applicant/accused or from the escaped accused Arsalan, who was subsequently arrested on 09.01.2026, which creates doubt in the case of prosecution as one of the further inquiry. Furthermore, the complainant has categorically given his no objection. The applicant/accused is first offender.

8. In view of above, the applicant has made out a case for further enquiry in terms of subsection (2) of Section 497, Cr.P.C. The investigation has already been completed and the charge sheet/challan has been filed with the trial Court; therefore, the Applicant is no more required for investigation and no fruitful would be achieved by keeping incarceration the Applicant for indefinite period.

9. Similarly, the second case for the recovery of pistol was registered under section 23 Sindh Arms Act, 2013 which provide sentence upto seven years or fine or with both and made the case outside the limb of Prohibitory clause where grant of bail is a right while its refusal is an exception. The

complainant has categorically given no objection. Therefore, the applicant is also admitted for post-arrest bail in the Crime No.02 of 2026.

10. In view of above, the present applicant/accused is admitted to bail in above mentioned both crimes subject to his furnishing solvent surety in the sum of Rs.90,000/- (Rupees Ninety Thousand only) in crime No.01 of 2026 and solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) in crime No.02 of 2026 and P.R Bond in the like amount to the satisfaction of learned trial Court.

11. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

J U D G E

Ali.