

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

CrI. Bail Appln. No.S-178 of 2026

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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1. For orders on office objections at Flag 'A'.
2. For hearing of bail application.

**19.06.2026**

Mr. Farhat Ali Bugti, Advocate for the Applicants /w Applicants.

Mr. Sardar Ali Solangi, Deputy Prosecutor General, Sindh.

ORDER.

RIAZAT ALI SAHAR, J.- Through instant bail application, applicants Nadeem son of Muhammad Mithal Massan and Muhammad Yaqoob @ Aijaz son of Mukhtiar @ Tharo Massan, seek pre arrest bail in Crime No.44/2026 registered at Police Station Nasirabad, District Kamber-Shahdadkot, for offence punishable under sections 392, 34, PPC, after rejection of their bail plea by the learned Additional Sessions Judge-II, Kamber, vide order dated 07.04.2026.

2. Precisely the facts of the prosecution case as enunciated in the FIR are that on 30.03.2026, complainant Ali Gul Umrani lodged FIR stating therein that on 23.03.2006, he, along with his witnesses Muhammad Ali and Riaz, was returning to Nasirabad City on the Union Star motorcycle of witness Muhammad Ali, at about 2115 hours, when they reached at Chinjni Shakh (minor) situated on Dhamrah-Nasirabad Road, they saw on headlight of motorcycle, the accused Nadeem armed with K.K, Muhammad Yaqoob alias Aijaz armed with pistol and one unknown culprit with naked face, armed with pistol, who could be recognized if seen again, were standing on road, a red-color CD-70 motorcycle was

parked near them. Accused pointed their weapons at complainant party and stopped them, accused robbed motorcycle from complainant party, accused Nadeem robbed cash Rs.17,000/- from complainant, while accused Muhammad Yaqoob @ Aijaz robbed two mobile phones and cash of Rs.5,000/- from witness Muhammad Ali. Thereafter accused fled away taking the robbed articles. Subsequently the complainant party approached elders of accused, who kept them on false assurances and ultimately refused to return robbed material/property. Hence the FIR to the above effect was lodged.

3. Learned Counsel for the applicants has argued that the applicants are innocent and they have been falsely implicated in the present case with mala fide intention and ulterior motives; that there exist enmity between the parties and the FIR is the result of such grudge; that there is an unexplained delay of seven days in the lodgment of the FIR; that the alleged incident is said to have taken place at odd hours of the night and source of identification of accused is shown on the headlight of motorcycle, which is weakest source of identification, hence mistaken identity cannot be ruled out. In such circumstances, learned counsel for the applicants submits that the case of the present applicants comes within the meaning of subsection (2) of Section 497, Cr.P.C. Therefore, ad-interim pre arrest bail already granted to them may be confirmed.

4. On the other hand, learned D.P.G appearing for the State opposed the grant of bail, on the grounds that the applicants/accused are specifically nominated in the FIR and they have been attributed role of committing robbery of the motorcycle, mobile phones and cash amount from the complainant and P.Ws, therefore, in any manner, they are not entitled for the concession of extra ordinary relief in shape of pre arrest bail.

5. I have given careful consideration to the arguments advanced by the learned counsel for the applicants and learned D.P.G and gone through the papers available on record.

6. Since the names of the present applicants transpire in the FIR with specific role of robbing motorcycle, mobile phones and cash amount etc. along with one unidentified co-accused, who were duly armed with K.K and Pistols committed robbery on the show of force. The version of the complainant is further corroborated by the statements of P.Ws recorded under section 161, Cr.P.C. No material has been brought on record to show any previous enmity between the complainant and the applicants/accused to indicate false implication. As far as delay of seven days in lodgment of FIR is concerned, in this regard it would be conducive to mention here that in such like cases; the police always show reluctance to lodge FIR in order to avoid departmental action against them. The offence with which applicants/accused are charged is not only against an individual person, but it is also against the society. These types of offences should be discouraged and granting bail in such offences is to give the license to the persons to destroy the peaceful atmosphere of the peace loving citizens. Accordingly, the applicants in my considered view do not deserve the concession of extra-ordinary relief in shape of pre-arrest bail. Consequently, instant bail application is dismissed and these are the reason of my short order dated 19.06.2026.

7. The observations made hereinabove are tentative in nature and will not affect the trial of the case in any manner.

**Judge**

M Yousuf Panhwar/\*\*