

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-247 of 2026

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Applicant: Muhammad Bilawal s/o Gulzar,
Through Mr. Muhammad Yaseen,
Advocate.

Complainant: Ghulam Sarwar s/o Muhammad Raffique
Through Mr. Santosh Kumar Khatri,
Advocate.

Respondent The State
Through Mr. Dhani Bakhsh Mari, A.P.G.

Date of Hearing: 01.07.2026

Date of Order: 02.07.2026

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ORDER

Khalid Hussain Shahani, J.:- The applicant, Muhammad Bilawal, seeks post-arrest bail in a case bearing Crime No.73 of 2026, registered at Police Station Sanghar, initially under Sections 395 and 336, P.P.C. (subsequently amended in the challan to Sections 395, 427 and 435, P.P.C.), after his similar relief was declined by the learned Additional Sessions Judge-II, Sanghar, vide order dated 08.05.2026.

2. The prosecution case, as delineated in the F.I.R., is that complainant Ghulam Sarwar lodged F.I.R, alleging therein that on the intervening night of 22.03.2026 at about 01:30 a.m., while he along with his family members was present in his house, they heard the sound of a loader rickshaw outside. Upon opening the door, they allegedly encountered the present applicant along with co-accused persons, some armed with pistols and Kalashnikovs, whereas two unknown persons had concealed their identities. The accused persons allegedly trespassed into the house at gunpoint, confined the inmates, broke open cupboards, and committed dacoity by depriving the complainant of cash, gold ornaments, electronic appliances, and other household articles, which were loaded onto a loader rickshaw. It is further alleged that prior to their departure, the accused persons

extended threats and set ablaze three handcarts parked outside. Upon completion of investigation, report under Section 173, Cr.P.C. was submitted, incorporating Sections 427 and 435, P.P.C.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated with mala fide intent; that the F.I.R. suffers from inordinate and unexplained delay; that no specific role has been attributed to the applicant; that the alleged recovery is inconsequential and devoid of evidentiary value; that the investigation has been completed and challan submitted; and that the case does not fall within the prohibitory clause of Section 497, Cr.P.C. He thus prays for grant of bail.

4. Conversely, the learned Assistant Prosecutor General, assisted by learned counsel for the complainant, has opposed the grant of bail with vehemence.

5. I have heard the learned counsel for the parties and examined the material available on record. It is an admitted position that the complainant had earlier lodged F.I.R No.65 of 2026 on 21.03.2026 at the same police station, relating to an occurrence of the same day reported with promptitude. However, the present F.I.R., pertaining to an occurrence allegedly taking place in the early hours of 22.03.2026, was lodged after an unexplained delay of about eight days. Such delay, particularly in the presence of earlier prompt reporting by the same complainant, prima facie erodes the credibility of the prosecution version and furnishes a strong indication of deliberation and consultation, attracting the principle enunciated by the Hon'ble Supreme Court in Muhammad Tanveer v. The State (PLD 2017 SC 733), wherein it has been held that unexplained delay in lodging the F.I.R. is always fatal to the prosecution case at the bail stage.

6. It is equally significant that the complainant, despite having allegedly witnessed the occurrence prior to lodging the earlier F.I.R., did not disclose the same at the earliest opportunity, which omission gives rise to a presumption adverse to the prosecution. Such circumstances, when viewed cumulatively, prima facie bring the case within the ambit of "further inquiry" as contemplated under Section 497(2), Cr.P.C., a concept authoritatively expounded in Tariq Bashir v.

The State (PLD 1995 SC 34), wherein it has been held that if there exists any doubt or element of further inquiry, the accused becomes entitled to the concession of bail as of right.

7. Furthermore, although the prosecution alleges commission of dacoity involving valuable articles, the recovery attributed to the applicant comprises merely of batteries and certain food items, which, prima facie, do not establish any incriminating nexus with the alleged offence. The Hon'ble Supreme Court has consistently held that recoveries of trivial or doubtful nature, lacking corroborative worth, cannot by themselves justify continued incarceration at the bail stage.

8. It is also not disputed that the investigation stands concluded and the challan has already been submitted before the learned trial Court; thus, the further detention of the applicant cannot be justified on the ground of investigative necessity. The question of false implication raised by the applicant entails deeper appreciation of evidence, which falls within the exclusive domain of the trial Court and cannot be conclusively adjudicated upon at this stage.

9. In the totality of circumstances, the material available on record, when tested on the touchstone of the settled principles governing the grant of bail, prima facie makes out a case of further inquiry, entitling the applicant to the concession of post-arrest bail.

10. For the foregoing reasons, this bail application is allowed. The applicant is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees one lac only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court.

11. The observations made hereinabove are tentative in nature and shall not prejudice the case of either party at trial.

The application stands disposed of.

The reasons for my short order dated 01.07.2026 are set out above.

JUDGE