

# HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

## Criminal Bail Application No.S-210 of 2026

**Applicant:** Saleem son of Muhammad Hassan.  
Through Mr. Nadeem Abbasi, Advocate.

**Complainant:** Jai Parkash son Meva Ram (Called absent).

**Respondent:** The State  
Through Mr. Shahzado Saleem, A.P.G.

Date of Hearing: 06.07.2026.

Date of Order: 06.07.2026.

### **ORDER**

**Khalid Hussain Shahani, J.:-** The applicant, Saleem, invokes the extraordinary equitable jurisdiction of this Court seeking confirmation of pre-arrest bail in Crime No.62 of 2025, registered at Police Station Tando Jan Muhammad under Sections 397/34, P.P.C., his identical prayer having been declined by the learned Additional Sessions Judge-I, Mirpurkhas, vide order dated 30.04.2026.

2. The prosecution narrative, as unfolded in FIR No.62/2025 lodged on 17.07.2025 at 1730 hours by the complainant Jai Parkash, a taxi driver by profession, is that on 30.05.2025, at about 2030 hours, he, accompanied by his associate Ali Raza son of Gulab Bajeer and his brother-in-law Jai Ram Das son of Ramoon Mal, having been enticed by an online advertisement for a Grandi Car, repaired to the otaq of Soomro Chandio at Village Bachal Chandio, Deh No.263, Taluka Digri, to consummate the purported purchase. There, negotiations with the applicant Saleem, co accused Anwar son of Bachal, Ashraf son of Bachal, and Soomro son of Nabi Bux, all of caste Chandio culminated in an agreed consideration of Rs.38,00,000/-. It is alleged that the accused thereupon produced firearms, divested the complainant and his companions of the aforesaid sum, and administered threats of dire consequences should they linger. Overcome by apprehension, the complainant and his companions withdrew from the scene, and upon

failure of extrajudicial reconciliation through the intercession of local elders, the complainant set the law in motion by lodging the instant report.

3. Notwithstanding repeated notices issued to him, the complainant has evinced no inclination to appear before this Court.

4. Learned counsel for the applicant contends that his client stands falsely and maliciously implicated; that the FIR suffers from unexplained and inordinate delay; that investigation stands concluded with submission of the report under Section 173, Cr.P.C. before the trial Court; and that the applicant remains a regular attendee at trial, rendering his incarceration a futile exercise. It is further urged that co-accused in analogous cases have already secured bail from the trial Court, thereby attracting the rule of consistency, and that the alleged offence does not travel within the prohibitory embargo of Section 497, Cr.P.C. Confirmation of the interim pre-arrest bail already extended is accordingly prayed for.

5. Learned Additional Prosecutor General, per contra, has resisted the prayer with considerable vehemence, submitting that the applicant stands implicated in multiple cases of similar character, marking him out as a habitual offender undeserving of the extraordinary relief of pre-arrest bail, and has thus pressed for dismissal of the application.

6. I have given due audience to learned counsel for the applicant as well as learned Additional Prosecutor General, and have subjected the record to careful scrutiny. The FIR betrays an inexplicable delay of forty-eight days, unaccompanied by any plausible justification, which permits a reasonable inference of deliberation and consultation antecedent to the lodging of the report. No corroborative record, electronic or otherwise regarding the impugned transaction has been secured by the investigating agency so as to nexus the applicant with the alleged occurrence, and the possibility of false implication cannot, therefore, be excluded. It is not in controversy that investigation stands completed, the report under Section 173, Cr.P.C. has been submitted, and the applicant has maintained regular attendance before the trial Court. Nothing on the record suggests misuse of the concession of interim bail or any attempt to obstruct the investigative or prosecutorial

process. The principal objection of learned Additional Prosecutor General rooted in the applicant's alleged status as a habitual offender by virtue of similar pending cases loses much of its force in light of the admitted fact that bail has already been granted to him in those very cases by the competent forum. This circumstance, absent any distinguishing feature brought to the notice of this Court, invites the application of the rule of consistency in the applicant's favour. It is further noted that the offence alleged does not fall within the prohibitory clause of Section 497, Cr.P.C.

7. In the totality of these circumstances, the complicity of the applicant in the alleged offence remains shrouded in doubt, bringing his case squarely within the contemplation of "further inquiry" under Section 497(2), Cr.P.C. Whether the applicant did in fact commit the offence attributed to him is a matter that must abide the trial and the evidence adduced therein. Investigation having culminated and the report having been laid before the competent Court, no salutary purpose would be served by consigning the applicant to custody at this juncture.

8. For the foregoing reasons, the applicant has succeeded in making out a case for confirmation of the interim pre-arrest bail already granted to him. The same, granted vide order dated 04.05.2026, is accordingly confirmed on the terms and conditions earlier imposed.

9. The observations recorded hereinabove are tentative in character and shall not be construed as prejudicing the case of either party at trial.

The application stands disposed of accordingly.

JUDGE