

# HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

## Criminal Bail Application No.S-211 of 2026

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

**Complainant:** Kashif Baig son of Hanif Baig (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, seeks confirmation of pre-arrest bail in Crime No. 67 of 2025, registered at Police Station Tando Jan Muhammad, for offences 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 genesis of the prosecution narrative, as unfolded in F.I.R. No. 67/2025 lodged on 21.07.2025 at 1445 hours, is that the complainant, Kashif Baig son of Hanif Baig, having chanced upon an advertisement on Facebook concerning the sale of goats, proceeded on 15.05.2025, in the company of his driver Shahid son of Jameel Ahmed and his uncle Aqeel son of Rasheed Rajput, to Village Bachal Chandio, to the Otaque of Ashraf Chandio, with the object of concluding a purchase. It is alleged that upon negotiating a bargain of Rs. 30,00,000/- with the accused Ashraf, Saleem, and Amir Chandio, the accused, brandishing pistols, divested the complainant and his companions of a sum of Rs. 10,00,000/- at gunpoint, and further extended threats of dire consequence should they fail to depart the scene forthwith. It was owing to this coercion that the complainant retreated and, upon reaching the police station, set the law into motion.

3. Notwithstanding repeated notices issued by this Court, the complainant has chosen not to enter appearance.

4. Learned counsel for the applicant contends that the applicant stands falsely implicated on account of mala fide; that the F.I.R. suffers from an inordinate and unexplained delay of about sixty seven days, which delay has denuded the prosecution narrative of its sanctity and lends credence to the plea of false implication; that investigation stands concluded and the report under Section 173, Cr.P.C. submitted before the learned trial Court; and that the applicant, having remained a regular attendant at trial, warrants no further incarceration. He further submits that parity operates in the applicant's favour, the applicant having secured bail from the learned trial Court in cases of cognate nature, and that the alleged offence does not attract the prohibitory embargo of Section 497, Cr.P.C. He accordingly prays for confirmation of the interim pre-arrest bail already extended.

5. Learned Additional Prosecutor General, appearing for the State, has resisted the confirmation with equal vigour, contending that the applicant's involvement in multiple analogous cases marks him as a habitual offender undeserving of the extraordinary indulgence of pre-arrest bail, and prays accordingly for dismissal of the application.

6. I have heard learned counsel for the applicant and learned Additional Prosecutor General at considerable length and have perused the record with the care it demands. The delay attending the setting of the law in motion, if the complainant indeed possessed knowledge of the applicant's identity from the inception, raises a question that cannot be resolved except through the crucible of evidence, and has correspondingly eroded the immediacy that ordinarily fortifies a prosecution case of this nature. It is further noteworthy that the investigation has yielded nothing to substantiate the assertion that a Facebook advertisement, as alleged, was ever in fact employed to solicit the sale of goats. It stands undisputed that investigation has culminated, the final report has been laid before the learned trial Court, and the applicant has, throughout, submitted himself to the process of trial without demur. Nothing on the record suggests misuse of the concession of interim bail, nor any attempt to obstruct investigation or suborn prosecution witnesses. The principal

objection of habitual criminality, pressed by the learned Additional Prosecutor General, loses much of its force when it is conceded that bail has already been granted to the applicant in those very cases by the learned trial Court; the rule of consistency, in the absence of any distinguishing feature brought to the notice of this Court, thus operates in the applicant's favour.

7. In view of the foregoing, the complicity of the applicant in the alleged offence remains, at this stage, shrouded in doubt, bringing his case prima facie within the contemplation of "further inquiry" under Section 497(2), Cr.P.C. The question of his culpability must, in the ultimate analysis, abide the recording of evidence at trial. Investigation having been completed and the challan submitted, no salutary purpose would be served by consigning the applicant to custody at this juncture.

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

9. It is clarified that the observations herein are tentative and shall not be construed to prejudice either party at trial.

The application stands disposed of accordingly.

JUDGE