

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Bail Application No.S-528 of 2026.

[Ahmed Jhatiyal & another Vs. The State]

Applicants : Ahmed Jhatiyal & another **through** Mr. Mushtaque Ali, Advocate.

Respondent : The State **through** Ms. Rameshan Oad, Deputy Prosecutor General, Sindh.

Date of Hearing : 09.07.2026.

Date of Decision : 09.07.2026.

ORDER

Syed Fiaz ul Hassan Shah, J :- The Applicants above-named seek post-arrest Bail in F.I.R No.29/2026, registered at Police Station Kotri, District Jamshoro for offence punishable under Section 380, 381, 34-PPC. Previously, they applied for the same relief before learned Additional Sessions Judge-I, Jamshoro and learned Civil Judge / PO Consumer Protection Court, Jamshoro but the requests were declined vide orders dated 28.02.2026 & 23.02.2026 respectively.

2. The Applicants booked in crime No.29 of 2026 of PS Kotri for the commission of theft allegedly committed at the house of complainant on 07.01.2026 when the complainant with his family proceeded to attend the wedding ceremony at Taluka Dahrki and left the key of outer gate to accused Mst. Amina and her husband Luqman Banbhro for watch and ward purposes. On 12.01.2026 when they returned, they found the gate was broken and gold ornaments (comprising four gold bangles, one locket chain, one pair of earrings, two gold rings, two pairs of tops, and two nose pins), along with their receipts and boxes; original title documents of the house; a licensed firearm permit with 13 cartridges; motorcycle documents; an Islamic Bank cheque book; approximately 70–80 ladies' stitched and unstitched suits; 18 gents' stitched and unstitched suits; two sewing machines; a refrigerator stabilizer; a water motor; a 110-volt battery; household utensils and dinner sets; iron appliances; a Dell CPU; three wristwatches; cash amounting to Rs.180,000/-; a ladies' purse containing Rs.28,000/-; and two hand torches

and two tube lights were robbed. Upon information collected by the complainant, it came to their knowledge that Luqman, his wife Amina accompanied by applicants and five other nominated and two unknown have committed theft.

3. The learned counsel for the applicants/accused contends that it is unseen incident and all the witnesses are interested witnesses and no neighbor or other person from the area has come forward to testify the incident while the FIR was also registered after considerable delay of more than five days; that the main accused Amina and Luqman had already been granted concession of pre-arrest bail by the Trial Court, which was subsequently confirmed on 09.02.2026.

4. On the other hand, the learned Deputy Prosecutor General opposed the Bail Application and stated that recovery of clothes, cash & Rs.80,000/- as per memorandum has been affected from both the applicants, hence, they are not entitled for the concession of bail.

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

6. In my tentative view, I am in agreement with the learned Deputy Prosecutor General that as per memorandum of recovery and arrest made on 16.01.2026, some of the articles have been recovered from the possession of both the applicants in joint memorandum / recovery and some of the articles as referred in the FIR have not been recovered. However, it is yet to be determined by the Trial Court whether such recovered articles were directly theft by the applicants or passed over through the main accused Mst. Amina and Luqman. Interestingly, both the main accused have already been granted concession of pre-arrest bail by the Trial Court in view of the fact that as per the contents of the FIR, the keys of the house (crime scene) were handed over / entrusted to the main accused Mst. Amina and Luqman, therefore, the case of these two applicants is on better footing for the purpose of deciding the Bail Application. The applicants were arrested on 16.01.2026 and no fruitful result would be achieved by keeping incarceration the Applicants for incalculable time of Trial when the investigation has

already been completed and applicants are no more required for the purpose of investigation. The offence falls outside the prohibitory clause of Section 497(1), Cr.P.C. It is settled principle that in non-prohibitory offences, grant of bail is a right while refusal is an exception.

7. In view of above, the present applicants/accused are admitted to the concession of post arrest bail subject to their furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac only) **each** and P.R Bond in the like amount to the satisfaction of learned trial Court.

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

J U D G E

Ali.