

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-282 of 2026

Applicant: Ghulam Qadir son of Fateh Khan.
Through Mr. Zulfiqar Ali Laghari, Advocate.

Complainant: Amjad son of Noor Muhammad(called absent).

Respondent: The State
Through Mr. Neel Parkash, D.P.G.

Date of Hearing: 14.07.2026.

Date of Order: 14.07.2026.

ORDER

Khalid Hussain Shahani, J.:- Applicant Ghulam Qadir, seeks pre arrest in a case bearing Crime No.96 of 2025, registered at Police Station Tando Jan Muhammad under Sections 397/34, P.P.C., his identical prayer having earlier met with refusal at the hands of the learned Additional Sessions Judge-I, Mirpurkhas, vide order dated 18.05.2026.

2. The prosecution narrative, as unfolded in F.I.R. No. 96/2025, lodged on 22.07.2025 at 1200 hours, is to the effect that the complainant, Amjad, having chanced upon a Facebook advertisement offering a Corolla car for sale, proceeded on 01.02.2025, accompanied by his cousin Mola Bux and one Faheem Ahmed, to the otaq of Rasheed Chandio situated in Village Bachal Chandio, with a view to consummating the purchase. It is alleged that the accused Ali Muhammad Chandio, Rasheed Chandio, Altaf Chandio, and the present applicant, Ghulam Qadir Chandio having ascertained the quantum of cash carried by the complainant, amounting Rs.4,000,000/-, thereupon divested him and his companions of the said sum at gunpoint, accompanied by dire threats should they tarry at the scene. The complainant thereafter repaired to the police station and set the law in motion.

3. Notwithstanding repeated notices issued to him, the complainant has elected not to appear before this Court.

4. Learned counsel for the applicant contends that his client has been enmeshed in a false and fabricated case; that an unexplained hiatus of five months and twenty-one days intervened between the occurrence and the lodging of the F.I.R., a delay that strips the prosecution version of its presumptive sanctity and lends colour to the plea of mala fide implication. He submits further that the co-accused, Altaf son of Wali Muhammad, has already been extended the concession of bail by this Court, thereby attracting the salutary rule of consistency; that investigation stands concluded and the report under Section 173, Cr.P.C. has been laid before the trial Court; and that the applicant, having remained a punctual and unfailing attendant at trial, does not merit further deprivation of liberty. He additionally invokes the doctrine of parity, the applicant having secured bail from the trial Court in offences of cognate character, and submits that the alleged offence falls outside the prohibitory bar engrafted in Section 497, Cr.P.C. He accordingly prays that the interim pre-arrest bail already extended be confirmed.

5. Learned Deputy Prosecutor General, controverting the submissions advanced, contends that the applicant stands specifically nominated in the F.I.R. and prays for dismissal of the instant application.

6. I have heard learned counsel for the applicant and the learned Deputy Prosecutor General at length, and have subjected the record to anxious scrutiny. It emerges, and stands admitted, that the F.I.R. was lodged after a delay spanning five months and twenty-one days, a delay which, if the complainant indeed possessed knowledge of the applicant's identity from the very inception, poses a question incapable of resolution save through the crucible of trial, and which has, in the interregnum, sapped the prosecution case of the immediacy that customarily fortifies allegations of this genre. Equally significant is the circumstance that investigation has failed to unearth any material lending credence to the assertion that a Facebook

advertisement was, in point of fact, ever employed to solicit the sale of the vehicle in question. It is not in dispute that investigation has attained its terminus, the final report has been submitted before the trial Court, and the applicant has, throughout, submitted himself unreservedly to the process of law without any semblance of default. The record is barren of any suggestion that the concession of interim bail has been abused, or that the applicant has essayed to hamper investigation or suborn the witnesses of the prosecution. It further transpires that the co-accused Altaf has already been admitted to the concession of bail by this Court, a circumstance that renders the rule of consistency squarely applicable to the case of the present applicant.

7. In the totality of these circumstances, the complicity of the applicant in the offence alleged remains, at this preliminary stage, enveloped in reasonable doubt, bringing his case *prima facie* within the contemplation of "further inquiry" as envisaged under Section 497(2), Cr.P.C. The ultimate question of his culpability must necessarily abide the recording of evidence at trial. Investigation having reached its culmination and the challan having been submitted, no salutary or discernible purpose would be sub-served by consigning the applicant to the rigours of custody at this juncture.

8. For the reasons aforesaid, the applicant has succeeded in establishing a case warranting confirmation of bail. The interim pre-arrest bail heretofore granted to the applicant is accordingly confirmed, on the same terms and conditions as originally imposed.

9. It is clarified, *ex abundanti cautela*, that the observations contained herein are tentative in nature and shall not be construed as prejudicing either party at the trial.

The application stands disposed of in the terms aforesaid.

JUDGE