

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-64 of 2026

Applicant: Zulfiqar son of Ali Muhammad.
Through Mr. Mian Taj Muhammad Keerio,
Advocate.

Complainant: Muhammad Haroon son of Hatim Ali(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 Zulfiqar, seeks confirmation of interim pre-arrest bail in a case bearing Crime No. 123 of 2025, registered at Police Station Tando Jan Muhammad for offences under Sections 420, 506(2) and 34, P.P.C., an identical prayer having already met refusal at the hands of the learned Additional Sessions Judge-I, Mirpurkhas, vide order dated 18.02.2026.

2. The genesis of the prosecution narrative, as disclosed by F.I.R. No. 123/2025 lodged on 06.08.2025 at 1330 hours, is that the complainant, Muhammad Haroon, having espied an advertisement on Facebook offering a Mehran car for sale, proceeded on 20.12.2024, in the company of Muhammad Maroof and one Ashique Ali, to Village Bachal Chandio at the otaque of Ali Muhammad Chandio, carrying Rs. 10,00,000/- for the purchase. It is alleged that upon a price of Rs. 10,00,000/- being settled with the accused Ali Muhammad, Mir Hassan, Zulfiqar, Hakim, Waqar and Noor Muhammad, the accused, brandishing firearms, divested the complainant and his companions of the said sum and issued threats of dire consequence should they resist. The complainant thereupon repaired to the police station and set

the law in motion.

3. Despite repeated notices, the complainant has elected not to appear before this Court, a circumstance not without significance.

4. Learned counsel for the applicant contends that his client stands falsely and maliciously implicated; that an unexplained hiatus of seven months and seventeen days separates the occurrence from the lodging of the F.I.R., a delay corrosive of the prosecution's credibility and suggestive of false implication; that the investigation stands concluded with the report under Section 173, Cr.P.C. already laid before the trial Court; and that the applicant, a consistent attendant at trial, merits no further deprivation of liberty. He further invokes the rule of parity, the applicant having already secured bail from the trial Court in cases of cognate character, and submits that the offence alleged does not fall within the prohibitory embargo of Section 497, Cr.P.C. He accordingly prays for confirmation of the interim pre-arrest bail already extended.

5. Learned Deputy Prosecutor General, resisting the application, submits that the applicant stands specifically named 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 close scrutiny. It is not disputed that the F.I.R. was lodged after a delay of some seven months and seventeen days, a delay which, if the complainant indeed possessed knowledge of the applicant's identity from inception, admits of no ready explanation and can be resolved only in the crucible of trial, thereby eroding the immediacy that ordinarily lends credibility to a prosecution case of this genre. It is further significant that the investigation has yielded nothing to corroborate the assertion that any Facebook advertisement was, in fact, employed to solicit the sale of the vehicle in question. It remains undisputed that the investigation has since culminated, the final report has been submitted before the trial Court, and the applicant has throughout submitted himself to the process of law without demur. The record discloses no misuse whatsoever of the concession of interim bail, nor any attempt at obstructing investigation or suborning

prosecution witnesses.

7. In these circumstances, the complicity of the applicant in the offence alleged remains, at this stage, enveloped in genuine 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 final analysis, abide the recording of evidence at trial. Investigation having concluded and the challan having been submitted, no salutary purpose would be served by relegating the applicant to custody at this juncture.

8. For the reasons recorded above, the applicant has succeeded in establishing a case for confirmation of bail. The interim pre-arrest bail granted vide order dated 24.02.2026 is accordingly confirmed, on the same terms and conditions as heretofore obtaining.

9. It is clarified, for the avoidance of doubt, that the observations herein are tentative in character and shall not be construed to prejudice either party at trial.

The application stands disposed of accordingly.

JUDGE

Adnan Ashraf Nizamani