

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-65 of 2026

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

Complainant: Fayaz Ali son of Ali Hassan(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 extended to him in a case bearing Crime No.101 of 2025, registered at Police Station Tando Jan Muhammad for offences under Sections 397/34, P.P.C., an identical prayer having met refusal at the hands of the learned Additional Sessions Judge-I, Mirpurkhas, by order dated 18.02.2026.

2. The genesis of the prosecution narrative, as gleaned from F.I.R. No.101/2025 lodged on 22.07.2025 at 1315 hours, reveals that the complainant, Fayaz Ali, having chanced upon an advertisement circulated on the social media platform Facebook offering for sale a Shahzor vehicle, proceeded on 11.11.2024, accompanied by his brother Ali Sher and one Hamad Ali, to Village Bachal Chandio with the object of concluding the purchase. It is alleged that upon a negotiated consideration of Rs. 20,00,000/- being struck with the accused Ashraf, Noor Muhammad @ Noor Hassan, Mir Muhammad and the instant applicant, the said accused, brandishing firearms, divested the complainant and his companions of the aforesaid sum and administered threats of dire consequence should they fail to depart forthwith. The complainant thereupon repaired to the police station and

set the law in motion.

3. Notwithstanding repeated notices issued by this Court, neither the complainant nor his counsel has deemed it fit to enter appearance.

4. Learned counsel for the applicant, pressing the bail plea with considerable vigour, submits that his client stands falsely and maliciously implicated; that an unexplained and unconscionable delay exceeding eight months attended the lodgement of the F.I.R., a circumstance which, in his submission, has denuded the prosecution version of its evidentiary sanctity and lends telling credence to the plea of false implication. He further submits that investigation stands concluded, the report under Section 173, Cr.P.C. having been laid before the learned trial Court, and that the applicant has throughout remained a regular and dutiful attendant at trial, thereby forfeiting any pretext for continued deprivation of liberty. He invokes, with equal emphasis, the rule of parity, the applicant having secured the concession of bail from the learned trial Court in cases of cognate and comparable complexion, and contends that the offence alleged does not fall within the prohibitory embargo contemplated by Section 497, Cr.P.C. He accordingly prays that the interim pre-arrest bail already extended be confirmed.

5. Learned Deputy Prosecutor General, resisting the petition with equal earnestness, submits that the applicant stands specifically and unambiguously named in the F.I.R., attributing to him a definite role in the commission of the offence, and prays for dismissal of the instant application.

6. I have heard learned counsel for the applicant and learned Deputy Prosecutor General at considerable length, and have subjected the record to anxious scrutiny. It emerges, and stands admitted, that the F.I.R. was lodged after a delay of about eight months and eleven days, a hiatus that, were the complainant truly possessed of knowledge of the applicant's identity from the very inception of the occurrence, admits of no satisfactory explanation on the record as it presently stands. It is by now well settled that while mere delay in lodgement of an F.I.R. does not, ipso facto, torpedo an otherwise trustworthy and reliable prosecution case, an unexplained and

inordinate delay, where the identity of the accused is asserted to have been known from the outset, is a circumstance germane to the formation of a tentative opinion at the bail stage and, when coupled with other infirmities, brings the case within the ambit of further inquiry contemplated under Section 497(2), Cr.P.C.. This delay has, in no small measure, eroded the immediacy and spontaneity that ordinarily fortify and lend credibility to a prosecution narrative of this genre. It bears further significance that investigation has yielded nothing whatsoever to substantiate the bald assertion that a Facebook advertisement, as alleged, was in fact ever employed to solicit the sale of the vehicle in question. It remains equally undisputed that investigation has since culminated, the final report has been laid before the learned trial Court, and the applicant has, throughout the interregnum, submitted himself unfailingly to the process of law without demur or default. The record is conspicuously barren of any suggestion that the concession of interim bail has been abused, or that the applicant has essayed to obstruct investigation or suborn the witnesses of the prosecution.

7. At the bail stage, this Court is called upon only to form a tentative opinion, without delving into a deeper appreciation of the evidence, as to whether reasonable grounds exist connecting the accused with the commission of the offence. Upon a conspectus of the considerations aforementioned, the complicity of the applicant in the offence alleged remains, at this stage, enveloped in genuine and substantial doubt, thereby bringing his case, *prima facie*, within the salutary contemplation of "further inquiry" envisaged under Section 497(2), Cr.P.C.. The ultimate question of his culpability must, of necessity, abide the recording of evidence at trial, and cannot be resolved by this Court at the threshold. Investigation having reached its terminus and the challan having been submitted, no salutary or discernible purpose would be subserved by consigning the applicant to custody at this belated juncture.

8. For the reasons recorded hereinabove, I am persuaded that 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 24.02.2026 is accordingly confirmed, on the same terms and conditions as heretofore.

9. It is, however, clarified for the avoidance of doubt that the observations contained herein are tentative in nature and confined to the disposal of the instant bail application, and shall not be construed as an expression of opinion on the merits so as to prejudice either party at the trial.

The application stands disposed of in the above terms.

JUDGE

Adnan Ashraf Nizamani