

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Cr. Bail Application No. S-232 of 2026

Applicant: Ali Muhammad S/o Bachal,
Through Mr. Afzal Karim Virk, advocate.

Complainant: Nand Lal S/o Jeso,
In person.

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

Date of Hearing: 17.07.2026

Date of Order: 17.07.2026

ORDER

Khalid Hussain Shahani, J.- Through the instant application, the applicant seeks his enlargement on post-arrest bail in a case bearing Crime No.72 of 2025, registered under Sections 397/34, P.P.C., at Police Station Tando Jan Muhammad. An earlier attempt to secure identical relief met with rejection at the hands of the learned 1st Additional Sessions Judge, Mirpurkhas, vide order dated 06.05.2026.

2. The prosecution's narrative, shorn of embellishment, runs thus: the complainant Nand Lal set the law in motion alleging that an advertisement for the sale of an Alto car had surfaced on Facebook. Some eighteen months anterior to the lodging of the FIR, the complainant, accompanied by his friend Leemon and his sister-in-law Anmolakhi, is said to have proceeded to the Otaq of Ali Muhammad Chandio at Village Bachal Chandio, where he encountered the applicant and one Manzoor Chandio. A bargain for the vehicle was purportedly struck at Rs.15,00,000/-, whereupon the accused, brandishing pistols, are alleged to have divested the complainant and his companions of the said sum at gunpoint,

coupling the act with threats of dire consequences should they tarry at the spot. The complainant thereafter approached the police station and set the criminal law in motion.

3. Learned counsel for the applicant, pressing the application with considerable vigour, submits that his client has been falsely roped into this litigation on account of malice; that the FIR is vitiated by an inordinate and unexplained delay of nearly eighteen months, a lapse that strips the prosecution's version of its evidentiary sanctity and fortifies the plea of foisted implication; that the story propounded by the prosecution is inherently improbable, riddled with material omissions and contradictions, inasmuch as neither the alleged Facebook advertisement nor any documentary proof of the transaction or of ownership of the vehicle has found its way onto the record. He submits, in conclusion, that investigation stands concluded and that the applicant's case falls squarely within the contemplation of "further inquiry" envisaged by Section 497(2), Cr.P.C., warranting the concession of bail.

4. Learned Deputy Prosecutor General, resisting the application with equal earnestness, contends that sufficient incriminating material exists on the record to connect the applicant with the commission of the alleged offence, and prays that the application be dismissed.

5. I have heard learned counsel for the applicant, the complainant appearing in person, and the learned Deputy Prosecutor General at considerable length, and have subjected the record to the scrutiny it deserves. The delay attending the setting of the criminal law in motion, assuming, as appears probable, that the complainant was cognizant of the applicant's identity from the very

inception, raises a question incapable of resolution save through the crucible of trial, and has correspondingly sapped the prosecution's case of the immediacy that ordinarily lends it credibility. The edifice of the prosecution's case rests upon an alleged Facebook advertisement for the sale of an Alto car; yet neither that advertisement nor any documentary material touching upon ownership of the vehicle or the transaction itself has been placed on record. Compounding this infirmity, no recovery, whether of the robbed amount, the weapon of offence, or any other incriminating article has been effected from the applicant, nor has any identification parade been held to link him with the crime. It is not in dispute that investigation has run its course, that the report under Section 173, Cr.P.C. has been submitted before the trial Court, and that the applicant has, throughout, submitted himself to the process of law without demur. At this threshold stage, the record does not disclose material sufficient to justify the applicant's continued incarceration. It is by now well settled that where the case against an accused invites further inquiry into his culpability, the grant of bail follows not as an act of judicial largesse but as a matter of right.

6. In light of the foregoing discussion, the complicity of the applicant in the alleged offence remains, at this stage, enveloped in doubt, bringing his case *prima facie* within the four corners of "further inquiry" under Section 497(2), Cr.P.C. The question of his guilt or innocence must, in the final analysis, await the recording of evidence at trial.

7. For the reasons aforestated, the instant bail application is allowed, and the applicant is admitted to post-arrest bail on his furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty

Thousand only), together with a personal bond in the like amount, to the satisfaction of the learned Trial Court.

8. It is clarified, lest any doubt persist, that the observations recorded above are tentative in nature and ought not to be construed as an expression of opinion on the merits of the case, nor shall they constrain the discretion of the learned Trial Court in adjudicating the matter strictly on its own merits.

JUDGE

****Faisal****