

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Cr. Bail Application No. S-73 of 2026

Applicant: Ashraf S/o Bachal,
Through Mr. Francis Locas Khokhar,
advocate.

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

Date of Hearing: 17.07.2026

Date of Order: 17.07.2026

O R D E R

Khalid Hussain Shahani, J.- Applicant Ashraf seeks post-arrest bail in Crime No. 67 of 2025, registered under Sections 397/34, P.P.C., at Police Station Tando Jan Muhammad, following refusal of like relief by the learned 1st Additional Sessions Judge, Mirpurkhas, vide order dated 19.02.2026.

2. Per F.I.R. No. 67/2025 (lodged 21.07.2025, 1445 hours), the complainant Kashif Baig, responding to a Facebook advertisement for the sale of goats, travelled on 15.05.2025 with his driver Shahid and uncle Aqeel to the Otaque of Ashraf Chandio at Village Bachal Chandio. After a bargain of Rs. 30,00,000/- was struck, the accused allegedly held the complainant's party at gunpoint, extracted Rs. 10,00,000/-, and threatened them into fleeing. The complainant reported the matter thereafter.

3. Despite repeated notices, the complainant has not appeared before this Court.

4. Learned counsel for the applicant urges false implication motivated by malice; an unexplained two-month delay in lodging the F.I.R., eroding its evidentiary sanctity; completion of investigation with the report under Section 173, Cr.P.C. already

before the trial Court; the applicant's consistent attendance at trial; inapplicability of the bar under Section 497, Cr.P.C.; and parity with co-accused Saleem Chandio, granted pre-arrest bail vide order dated 06.07.2026.

5. Learned D.P.G. opposes bail, characterizing the applicant as a habitual offender by reason of his involvement in similar cases, and prays for dismissal.

6. Heard. Record perused. The delay in lodging the F.I.R. notwithstanding the complainant's claimed prior knowledge of the applicant's identity, remains unexplained and dilutes the immediacy ordinarily underpinning such prosecutions; this is a matter for evidence, not conjecture. Investigation has failed to corroborate even the foundational claim of a Facebook advertisement. It is undisputed that investigation stands concluded, the challan submitted, and the applicant has faced trial without default. The plea of habitual offending is considerably weakened by the trial Court's own grant of bail to the applicant in the very cases cited; absent any distinguishing feature, consistency favours the applicant. Parity with co-accused Saleem Chandio, similarly placed on identical allegations arising from the same occurrence, independently justifies the same relief.

7. The applicant's complicity thus remains, at this stage, a matter of further inquiry within the meaning of Section 497(2), Cr.P.C., to be resolved only upon trial. With investigation complete and challan submitted, continued incarceration serves no purpose.

8. Accordingly, this application is allowed. The applicant is admitted to post-arrest bail against solvent surety of Rs. 50,000/- and a personal bond in the like amount, to the satisfaction of the learned Trial Court.

9. The observations above are tentative, made solely for the purpose of bail, and shall not influence the learned Trial Court's independent determination of the case on its merits.

JUDGE

****Faisal****