

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-233 of 2026

Applicants: 1. Ali Muhammad S/o Bachal,
2. Wali Muhammad @ Waloo S/o Bachal,
Through Mr. Afzal Karim Virk, Advocate.

Complainant: Abdul Haq S/o Azizullah,
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.- The applicants seek post-arrest bail in Crime No.73 of 2025, registered under Sections 397 and 34, P.P.C., at Police Station Jhudo, District Mirpurkhas. Their earlier bail plea was declined by the learned 1st Additional Sessions Judge, Mirpurkhas, vide order dated 06.05.2026.

2. The prosecution case is that complainant Abdul Haq lodged the FIR on 29.07.2025, alleging that an advertisement for the sale of an orchard, posted on Facebook, drew him and his brother Abdul Ghani to the Otaq of Ali Muhammad Chandio at Village Bachal Chandio on 14.05.2025. There they met the accused, namely (1) Ali Muhammad Chandio, (2) Ashraf, (3) Wali Muhammad, and (4) Aijaz alias Baboo Dhandhal. On being asked about the orchard, the accused directed the complainant and his brother to follow their Alto car. At about 6:00 p.m., on the road between Tedi Mori and Dakhero Mori, near Village Yaqoob Kapri, the accused stopped, alighted, and inquired whether the money

had been brought. On receiving an affirmative answer, they allegedly produced pistols, robbed the complainant and his brother of Rs.5,300,000/-, and threatened them with death if they lingered. The complainant and his brother returned to their village and narrated the incident to Nekmard Muhammad Siddique, who approached the accused but was met with false assurances. This led to registration of the present FIR.

3. Learned counsel for the applicants and the complainant, appearing in person, have been heard at length. The record has been examined with due care.

4. The offences do not fall within the prohibitory clause of Section 497(1), Cr.P.C., under which bail is the rule and refusal the exception. The applicants carry no antecedent criminal history. Whether they are connected with offences of a similar nature is a matter to be determined only through evidence at trial.

5. The complainant raises no objection to the applicants being admitted to bail.

6. The learned D.P.G. does not oppose the bail plea on behalf of the State.

7. These circumstances, taken cumulatively, bring the case within the scope of "further inquiry" under Section 497(2), Cr.P.C. No material has been placed on record at this stage sufficient to justify the applicants' continued detention. Where the case against an accused calls for further inquiry into culpability, bail follows as a matter of right, not as an act of judicial grace.

8. The bail application is allowed. The applicants shall be released on furnishing solvent surety of Rs.50,000/- (Rupees Fifty Thousand only) each, together with personal bonds in like amount, to the satisfaction of the learned Trial Court.

9. It is clarified that the foregoing observations are tentative and shall not be construed as an opinion on the merits, nor shall they fetter the Trial Court's independent judgment in deciding the case on its own merits.

JUDGE

****Faisal****