

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR.

Cr. Bail Application No.D-182 of 2026
(*Abdul Hakeem & another v. The State*)

Before:

Mr. Justice Zulfiqar Ali Sangi

Mr. Justice Arbab Ali Hakro

M/s Qurban Ali Malano and Achar Khan Gabol, Advocates for applicants.

Mr. Sardar Ali Shah, Additional P.G for the State.

Complainant is present in person.

Date of Hearing: **14-07-2026**

Date of Order: **14-07-2026**

ORDER

ZULFIQAR ALI SANGI, J.- Mr. Nasrullah Sahito, Advocate files Vakalatnama on behalf of complainant, taken on record.

2. Through the instant Criminal Bail Application, the applicants, namely Abdul Hakeem and Mehboob, seek the concession of post-arrest bail in Crime No.152 of 2026, registered at Police Station Kandiaro, for offences punishable under Sections 386, 337-H(ii), 506(2), 427, 148, 149 and 504, P.P.C., read with Sections 6 and 7 of the Anti-Terrorism Act, 1997, after their bail application was declined by the learned trial Court vide order dated 15.06.2026.

3. The facts constituting the prosecution case have already been set out in detail in the bail application and are also discernible from the F.I.R. annexed therewith; therefore, in the interest of brevity, the same need not be reproduced herein.

4. Learned counsel appearing on behalf of the applicants contended that the applicants are innocent and have been falsely implicated in the present case on account of mala fide, personal enmity and ulterior motives. He submitted that the applicants have neither committed the alleged offences nor are they connected with the commission thereof. It was further argued that no incriminating article or material has been recovered from their

possession, the investigation has already been concluded, and the applicants are no longer required by the investigating agency for any further investigation. Learned counsel further submitted that the parties have amicably resolved their dispute outside the Court and, consequently, the complainant has no objection if the applicants are admitted to the concession of post-arrest bail.

5. Conversely, learned counsel representing the complainant, as well as the complainant himself, who is present in Court, unequivocally stated that the dispute between the parties has been amicably settled and that they have no objection to the grant of post-arrest bail to the applicants.

6. In view of the categorical no-objection expressed by the learned counsel for the complainant as well as by the complainant himself, the learned Additional Prosecutor General also did not oppose the instant bail application and conceded to the grant of post-arrest bail to the applicants.

7. We have heard the learned counsel for the respective parties, the learned Additional Prosecutor General, and have carefully examined the material available on the record.

8. Admittedly, the F.I.R. contains allegations that the applicants demanded and received extortion money (*Bhatta*) from the complainant. However, the complainant, who is personally present before the Court, has categorically stated that the matter has been amicably settled between the parties and that he has no objection to the release of the applicants on bail. At this tentative stage, the truthfulness, authenticity and evidentiary value of the allegations pertaining to the demand and receipt of extortion money are matters requiring deeper appreciation of evidence, which can only be undertaken by the learned trial Court after recording the evidence of the prosecution and the defence during the course of trial. It is also an admitted position that no incriminating article, weapon or other material connecting the applicants with the commission of the alleged offences has been recovered from their possession subsequent to their arrest. The

investigation has already been completed, and nothing has been brought on record to suggest that the further detention of the applicants would serve any useful purpose.

9. As regards the Criminal Record (C.R.O.) placed on record, the same merely reflects the registration of certain previous criminal cases against the applicants. However, there is nothing on record to demonstrate that the applicants have ever been convicted in any of those cases or that they had previously misused the concession of bail granted to them. It is by now a well-settled principle of criminal jurisprudence that mere involvement or pendency of other criminal cases, in the absence of any conviction or misuse of the concession of bail, by itself cannot constitute a valid ground for refusing bail where the facts and circumstances of the case otherwise justify the grant of such concession.

10. Having given our anxious consideration to the submissions advanced by the learned counsel for the parties and having tentatively assessed the material available on the record, we are of the considered view that the case of the applicants falls within the ambit of **further inquiry** as contemplated under Section 497(2), Cr.P.C. Consequently, the instant Criminal Bail Application is allowed, and the applicants, namely Abdul Hakeem and Mehboob, are admitted to post-arrest bail, subject to each of them furnishing solvent surety in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** and a personal recognizance bond in the like amount to the satisfaction of the learned trial Court.

11. It is clarified that the observations made hereinabove are purely tentative in nature, confined solely to the determination of the instant bail application, and shall not, in any manner whatsoever, prejudice or influence the learned trial Court while deciding the case on its own merits after recording the evidence.

JUDGE

JUDGE