

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT AT
MIRPURKHAS**

Cr. Bail Application No. S-380 of 2026

Applicant: Noor Muhammad @ Noor Hassan S/o Mir
Muhammad,
Through Mr. Zulfiqar Ali Laghari, Advocate.

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

Date of Hearing: 24.07.2026

Date of Order: 24.07.2026

O R D E R

Khalid Hussain Shahani, J. — Applicant Noor Muhammad @ Noor Hassan seeks post-arrest bail in a case bearing Crime No. 57 of 2025, for offence under Sections 420, 506(ii), 342 and 34, P.P.C., of Police Station Tando Jan Muhammad. Such relief earlier sought was declined by the learned Additional Sessions Judge-II, Mirpurkhas, vide order dated 04.07.2026.

2. As per F.I.R. No. 57/2025, lodged on 13.07.2025 at 1830 hours, the complainant, Raheela Hassan, Manager, Habib Metro Bank, Karachi, having noticed an advertisement on the PakWheels platform offering a white Alto for sale, contacted the numbers furnished therein and, accompanied by her husband, Hassan Ahmed, proceeded to Tando Jan Muhammad on 12.07.2025. It is alleged that one Altaf received the complainant and her husband and led them to the Otaq/inn of Fateh Khan Chandio, where the present applicant and his co-accused were present. A price of Rs. 25,00,000/- having been negotiated, the complainant is stated to

have paid Rs. 15,00,000/- in cash. Thereafter, on the pretext of producing the vehicle's original registration documents, the accused are alleged to have confined the complainant and her husband, pointed pistols at them, attempted a currency-exchange deception, and extended threats of dire consequences. The complainant and her husband, having secured their escape in their own vehicle, thereafter lodged the present F.I.R. against the applicant and his co-accused.

3. Despite repeated notices issued by this Court, the complainant has failed to appear.

4. Learned counsel for the applicant contends: (i) false implication motivated by malice; (ii) an unexplained one-day delay in lodging the F.I.R., diminishing its evidentiary value; (iii) completion of investigation, with the report under Section 173, Cr.P.C. already submitted before the learned Trial Court; (iv) inapplicability of the bar under Section 497, Cr.P.C.; and (v) conspicuous failure on the part of the Investigating Officer to undertake any verification, of a scientific or forensic nature, to establish the foundational premise of the prosecution's case, that the complainant was in fact drawn to the applicant through the PakWheels advertisement, no effort having been made to trace, retrieve, or authenticate the said advertisement, the underlying digital footprint, or the communication records flowing therefrom.

5. Learned Deputy Prosecutor General, opposing the application, submits that sufficient incriminating material exists

on record connecting the applicant with the alleged offence, and prays for dismissal.

6. Heard. Record perused. The occurrence is alleged to have taken place on 12.07.2025, whereas the F.I.R. was lodged on 13.07.2025, a delay of one day, unexplained on record. This delay is a matter to be resolved through evidence at trial and cannot be weighed against the applicant at this stage. Of equal significance, the record is conspicuously silent as to any scientific or forensic exercise undertaken by the Investigating Officer to substantiate the complainant's foundational assertion that she was induced to travel to Tando Jan Muhammad through the PakWheels advertisement; no attempt appears to have been made to secure, preserve, or forensically verify the advertisement, the platform's records, or the electronic trail of communication said to have preceded the alleged meeting. This omission, viewed in light of the ratio in *Zahid Sarfraz Gill*¹, strikes at the very root of the prosecution narrative and renders the case, at this stage, one demanding closer scrutiny at trial rather than resolution on a bail application. It is undisputed that investigation stands completed and the report under Section 173, Cr.P.C. has been submitted before the learned Trial Court; the applicant is, therefore, no longer required for investigative purposes. It is equally undisputed that the offence does not fall within the prohibitory clause of Section 497, Cr.P.C.; and, in terms of the principle enunciated in

¹ *Zahid Sarfraz Gill v. The State* (2024 SCMR 954),

*Tariq Bashir*², absent any recognized exceptional circumstance, bail in such cases ordinarily follows as a rule rather than an exception. The applicant's complicity thus remains, at this stage, a matter of further inquiry within the meaning of Section 497(2), Cr.P.C., a conclusion fortified by the observation of the Hon'ble Supreme Court in *Zafar Nawaz*³, that deficiencies in the prosecution's evidentiary foundation, even where the accused's name features prominently in the F.I.R., are properly resolved only at trial. Investigation having concluded, the challan submitted, and the evidentiary foundation of the prosecution's version yet unverified, the applicant's continued incarceration serves no purpose.

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

8. The observations recorded above are tentative, confined to the disposal of the present bail application, and shall not influence the learned Trial Court's independent determination of the case on merits.

JUDGE

Faisal

² *Tariq Bashir v. The State* (PLD 1995 SC 34)

³ *Zafar Nawaz v. The State and another* (2023 SCMR 1977)