

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

Cr. Bail Application No. S-381 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.123 of 2025, registered under Sections 420, 506(ii) and 34, P.P.C., at Police Station Tando Jan Muhammad. Earlier attempt to seek such relief was declined by the learned Additional Sessions Judge-II, Mirpurkhas, vide order dated 04.07.2026.

2. The genesis of the prosecution case, as unfolded in F.I.R. No.123/2025 lodged on 06.08.2025 at 1330 hours, is that the complainant Muhammad Haroon, having chanced upon a Facebook advertisement for the sale of a Suzuki Mehran motorcar bearing registration No.BQR-727, proceeded on 20.12.2024, accompanied by certain associates and carrying cash of Rs.10,00,000/-, to Village Bachal Chandio to consummate the purchase. At the Otaq of Ali Muhammad Chandio, the complainant is stated to have encountered the present applicant along with a

co-accused, whereupon the bargain was struck and the sale consideration paid over. It is alleged, however, that the accused, reneging upon the transaction, divested the complainant of the said amount at gunpoint, administered threats of dire consequence, and decamped from the scene, precipitating the lodgment of the instant report.

3. Notwithstanding repeated notices issued by this Court, the complainant has elected not to appear, a circumstance not without significance to the present inquiry.

4. Learned counsel for the applicant, addressing the Court with considerable force, submits that the applicant stands falsely enmeshed in this litigation on account of extraneous malice; that the F.I.R. suffers from an unexplained and unexcused delay of eight months, a lapse that substantially erodes its evidentiary sanctity and invites the gravest suspicion as to embellishment; that the investigation stands concluded, with the report under Section 173, Cr.P.C. already placed before the learned Trial Court, thereby extinguishing any residual justification for continued custody; and that the alleged offence does not attract the prohibitory rigor of Section 497, Cr.P.C.

5. Learned Deputy Prosecutor General, appearing for the State and resisting the application with equal vigor, submits that sufficient incriminating material subsists on the record to connect the applicant with the commission of the alleged offence, and prays accordingly for dismissal of the application.

6. This Court has heard learned counsel for the respective parties at length and has subjected the record to anxious scrutiny. It emerges, upon careful examination, that the occurrence is alleged to have transpired on 20.12.2024, whereas the F.I.R. came to be registered only on 06.08.2025, a hiatus of about eight months for which the prosecution has proffered no plausible or satisfactory explanation. Such unexplained delay, this Court is persuaded, constitutes a circumstance that must abide the crucible of trial and cannot, at this preliminary stage, be resolved against the applicant. Of further significance is the admitted position that the entire edifice of the prosecution's narrative rests upon the alleged Facebook advertisement said to have induced the complainant into the impugned transaction; yet the record is conspicuously silent as to any endeavor by the Investigating Officer to secure or preserve scientific/digital evidence in substantiation thereof, whether by way of forensic retrieval of the advertisement, its metadata, the associated account particulars, or any other electronic trail capable of lending objective corroboration to the complainant's version. This omission, going as it does to the very foundation of the prosecution case, cannot be dismissed as a peripheral lapse; it constitutes a material infirmity in investigation that must weigh in the applicant's favor at this stage. It is further undisputed that the investigative process has run its full course, culminating in submission of the report under Section 173, Cr.P.C. before the learned Trial Court; the applicant's presence is, in consequence, no longer requisite for investigative purposes. It is equally beyond cavil

that the offence alleged falls outside the prohibitory embargo of Section 497, Cr.P.C. In this constellation of circumstances, the question of the applicant's culpability recedes, at this juncture, into the domain of "further inquiry" contemplated under Section 497(2), Cr.P.C., a determination reserved exclusively for the trial court upon full appreciation of evidence. With the investigation complete, the challan submitted, and the underlying digital-evidentiary foundation of the prosecution story left wholly unexplored, the continued incarceration of the applicant would serve no salutary purpose and would, if perpetuated, offend the well-settled principle that bail is the rule and jail the exception.

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

8. It is clarified, for the avoidance of doubt, that the observations recorded hereinabove are strictly tentative and confined to the disposal of the present bail application; they shall not be construed as an expression of opinion on the merits of the case and shall not, in any manner, fetter or influence the independent determination to be rendered by the learned Trial Court upon conclusion of trial.

JUDGE

Faisal