

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

Criminal Bail Application No. S-228 of 2026

Applicant : Azlan son of Abdul Rasheed
Through Mr. Rao Faisal Ali, Advocate.

Criminal Bail Application No. S-230 of 2026

Applicant : Muhammad Sohail son of Abdul Rasheed
Through Mr. Rao Faisal Ali, Advocate.

Criminal Bail Application No. S-231 of 2026

Applicant : Zeeshan Gadi son Shabbir Ahmed
Through Mr. Rao Faisal & Inam Ali Malik,
Advocates

Complainant : Mst Subhan Khatoon wife of Allah Warayo.
(Present in person).

The Sate : Through Mr. Ghulam Abbas, DPG
& Mr. Muhammad Sabir, DAG.

Date of hearing : 22.07.2026

Date of Order : 28.07.2026

O R D E R

KHALID HUSSAIN SHAHANI, J.– By this consolidated order, I propose to dispose of the above three connected bail applications, each of which springs from the self-same FIR No. 49 of 2026, registered at Police Station Satellite Town, District Mirpurkhas, for offences under Sections 392, 506(2), 342, 420, 406, 147, 148 and 504 P.P.C. The applicants had earlier sought relief before the learned Trial Court: Azlan's bail was thrice repelled (21.04.2026, 29.04.2026 and 04.05.2026); Sohail's interim pre-arrest bail, granted on 27.04.2026, was subsequently recalled on 05.05.2026; and Zeeshan's application met dismissal on 05.05.2026. As these matters are cast from a single mold, involving common questions of fact and law, and were argued in unison by consent of the learned counsel for the applicants as well as the learned D.P.G. and D.A.G., a singular, harmonized adjudication is rendered to obviate any risk of divergent findings.

2. The prosecution's narrative unfolds thus: complainant Mst. Subhan Khatoon, widow of Allah Warayo, a beneficiary under the Benazir Income Support Program, presented herself at the BISP disbursement Centre near Chuna Factory on 16.03.2026 to collect her instalment of Rs. 14,500. It is alleged that applicant Azlan, then present at the Centre, tendered her only Rs. 9,000 after an unauthorized deduction, and upon her remonstrance, turned abusive and forcibly wrested back even that sum. Six to seven unidentified persons, purportedly co-operators of the Centre, are further alleged to have despoiled her of her purse, CNIC and cash, confined her for several hours, whereupon Azlan is said to have brandished a pistol and extended a life-threat to secure her silence.

3. Learned counsel for Azlan submits, with considerable persuasive force, that the FIR is a belated and artificial construct, lodged six days after the occurrence despite the police station lying but a kilometer away, a delay wholly unexplained and, in law, corrosive of the prosecution's claim to spontaneity. It is urged that the applicant holds no proprietary or official nexus with the BISP centre, that no biometric device, official record or incriminating article was ever traced to him, and that his confession of 01.04.2026, extracted after ten to eleven days of unlawful police custody, is prima facie involuntary and, being inherently weak evidence, incapable of sustaining detention absent independent corroboration. Reliance is further placed upon the absence of independent witnesses from an admittedly populous locality, the submission of challan obviating further custodial need, and parity with co-accused Nawazish, already enlarged on bail, the circumstances said to bring the matter squarely within the contemplation of further inquiry under Section 497(2) Cr.P.C.

4. Learned counsel for Sohail contends that his client, a mere functionary at a Jazz franchise tasked only with dispensing electronic credit, bears no conceivable nexus to BISP disbursement or biometric verification, and that no recovery whatsoever connects him to the alleged offence. It is submitted that his interim pre-arrest bail, granted on identical facts on 27.04.2026, was mechanically and impermissibly recalled on 05.05.2026, that no Test Identification Parade was ever conducted, and that his implication rests upon the solitary, uncorroborated word of a co-accused. Of particular moment is the submission that the Investigating Officer has since reclassified the offences as falling under Sections 406, 409, 420, 417 and 456 P.P.C., none of which, unlike Section 392 P.P.C., independently attracts the ten-year prohibitory bar of Section 497 Cr.P.C.

5. Learned counsel for Zeeshan Gadi submits that his client's name is conspicuously absent from the FIR, his implication surfacing only through a co-accused's statement, the evidence inadmissible against him and, at its highest, weak and uncorroborated. No recovery of cash, purse, CNIC or weapon links him to the offence; the allegations against him are vague, omnibus and devoid of any specific overt act. He too invokes parity with Nawazish and undertakes to furnish solvent surety, being a respectable, permanently settled resident free of prior criminal history.

6. Learned D.P.G. and D.A.G., resisting the applications, urge that the allegations are grave and specific, and that a confessional statement implicating Azlan exists on record, cautioning against undue leniency in a matter touching the misuse of a public welfare scheme. It was, however, candidly conceded and the record bears this out that the Investigating Officer's own final report has since deleted the offences under Sections 392, 506(II), 147, 148 and 149 P.P.C. for want of substantiation, opining that the residual allegations fall within the exclusive province of the Anti-Corruption Establishment, a position echoed in the District Public Prosecutor's scrutiny report.

7. I have heard learned counsel for the applicants and the learned Law Officers at length, and have subjected the record including the FIR, the confessional statements, the successive trial court orders, and, above all, the final investigation report and the ensuing Anti-Corruption correspondence to close scrutiny.

8. The FIR was lodged on 22.03.2026 at 2000 hours, six days after the alleged occurrence, notwithstanding that the police station lies barely a kilometer distant. During investigation, applicant Sohail, whose duties, as a Jazz-franchise worker, bear no relation to BISP disbursement and applicant Zeeshan, unnamed in the FIR and implicated solely on a co-accused's word, were subsequently drawn into the net. Most tellingly, the Investigating Officer's own final report found the offences under Sections 392, 506(II), 147, 148 and 149 P.P.C. "not substantiated," deleting them, while reclassifying the residue under Sections 406, 409, 420, 417 and 456 P.P.C., the offences which the Investigating Officer, the learned Trial Magistrate, and the District Public Prosecutor's scrutiny report alike consign to the exclusive jurisdiction of the Anti-Corruption Establishment under the Sindh Enquiries and Anti-Corruption Act, 1991, and the Pakistan Criminal Law (Amendment) Act, 1958. The papers were accordingly returned by the learned Magistrate on 13.05.2026 for onward transmission to the Anti-Corruption Establishment, which

in turn found even the Special Court (Anti-Corruption), Hyderabad, wanting in jurisdiction, directing reference to the F.I.A. Meanwhile, Azlan's confession, recorded before the learned Judicial Magistrate, stands shadowed by his own admission, in answer to Question No. 4, of ten to eleven days' illegal police detention preceding it.

9. It is a matter of record, and one this Court cannot pass over lightly, that the FIR's six-day delay, unexplained despite the police station's proximity, casts a discernible shadow over the spontaneity and truthfulness of the prosecution version, a doubt whose benefit must, at this stage, enure to the applicants. Of greater moment still is the collapse of the very foundation upon which the prohibitory-clause objection was raised: the Investigating Officer's own findings have disowned the robbery-related offences that alone invoked the ten-year bar of Section 497 Cr.P.C., relegating the residual charges to an entirely distinct jurisdictional regime, one which even the Special Court (Anti-Corruption), Hyderabad, has declined to entertain. Where the prosecution's own investigative machinery cannot settle upon the appropriate forum, offence, or evidentiary foundation, it would offend the principles of justice to perpetuate the applicants' incarceration upon allegations the investigation itself has substantially abandoned.

10. Turning to Azlan's confession, the record itself, through his own answer to Question No. 4, betrays ten to eleven days of unlawful custody preceding its recording, rendering its voluntariness *prima facie* suspect and its evidentiary worth, absent independent corroboration, a matter properly reserved for the crucible of trial rather than resolved at this interlocutory stage. As for Sohail and Zeeshan, neither stands charged in the FIR with any specific overt act; Sohail's alleged connection is confined to innocuous employment, while Zeeshan's implication rests upon the solitary, uncorroborated word of a co-accused, evidence this Court has consistently held insufficient, standing alone, to justify continued deprivation of liberty.

11. The plea of parity commands weight. Co-accused Nawazish Ali, similarly unnamed in the FIR and against whom nothing was recovered, secured post-arrest bail as early as 08.04.2026. The roles now imputed to the present applicants, particularly following the deletion of the robbery-related sections, are not qualitatively graver than his, and consistency of treatment demands like concession.

12. It is further significant that despite the occurrence's alleged situs in a busy, populated locality, no independent witness has been associated at any stage, a lacuna that further erodes confidence in the prosecution's narrative. That bail is neither punitive nor preventive, but exists solely to secure the accused's presence at trial, is settled beyond cavil, Khawaja Salman Rafique¹. Where offences fall outside the prohibitory clause of Section 497 Cr.P.C., grant of bail is the rule, refusal the exception, Ali Anwar Paracha² and the principle against needless reiteration of facts already on record finds guidance in Muhammad Shakeel³. In this case, the prosecution's own investigation has abandoned the very charge that invoked the prohibitory bar, and has consigned the residual allegations to a wholly different forum and legal regime, engendering precisely the genuine, evidence-based uncertainty these precedents contemplate as sufficient for bail.

13. For the foregoing reasons, I am of the considered view that applicants Azlan, Muhammad Sohail, and Zeeshan Gadi have each made out a case for grant of bail. Accordingly, all three connected bail applications are allowed, and the applicants are admitted to post-arrest bail upon each furnishing solvent surety in the sum of Rs. 100,000/- (Rupees One Hundred Thousand only) together with a personal recognizance bond in the like amount, to the satisfaction of Additional Registrar of this court. The observations herein are tentative, confined solely to the disposal of the bail question, and shall not prejudice either party at trial. Office is directed to place a signed copy of this order upon each of the three connected files.

J U D G E

Adnan Ashraf Nizamani

¹ Khawaja Salman Rafique v. NAB (PLD 2020 SC 456).

² Ali Anwar Paracha v. The State (2024 SCMR 1596).

³ Muhammad Shakeel v. The State (PLD 2014 SC 458).