

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Cr. Bail Application No. S-388 of 2026

Applicant: Ashraf S/o Bachal Chandio,
Through Mr. Francis Locas Khokhar, advocate.

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

Date of Hearing: 30.07.2026

Date of Order: 30.07.2026

ORDER

Khalid Hussain Shahani, J.- Applicant Ashraf seeks post-arrest bail in a case bearing Crime No. 112 of 2025, for offence under Sections 397/34, P.P.C., of Police Station Tando Jan Muhammad, the like relief having been declined by the learned Additional Sessions Judge-II, Mirpurkhas, vide order dated 26.09.2025.

2. The prosecution narrative, as set out in F.I.R. No. 112/2025 (lodged on 23.07.2025 at 1900 hours), rests on the complainant Amanullah's assertion that, being engaged in the automobile trade, he approached Ali Muhammad Chandio to purchase a Mehran motor car (Model 2018). It is alleged that on 08.07.2025, accompanied by his son Ehsanullah Dahri and his cousin Muhammad Anwar Dahri, the complainant travelled to Village Bachal Chandio and negotiated the sale with Ali Gohar and the present applicant, ultimately settling the price at Rs. 2,000,000/-, pursuant to which Rs. 500,000/- was remitted from the account of Riaz Ahmed into a designated account at the accused's instance. The complainant further alleges that the accused, armed with pistols, forcibly divested him of Rs. 2,410,000/- in cash and the vehicle itself, accompanied by threats of dire consequences, before he and his companions withdrew from the scene and reported the matter to police.

3. It bears emphasis that, despite repeated notices issued by this Court, the complainant has conspicuously failed to appear and substantiate these allegations.

4. Learned counsel for the applicant has forcefully argued false implication born of malice, an unexplained and fatal delay of fifteen days in lodging the F.I.R. that erodes its evidentiary sanctity, the culmination of investigation with submission of the report under Section 173, Cr.P.C. before the Trial Court, the inapplicability of the statutory bar under Section 497, Cr.P.C., and parity with co-accused Muhammad Bilal, who was extended post-arrest bail vide order dated 05.08.2025.

5. Learned D.P.G., opposing the application, seeks to brand the applicant a habitual offender by reference to his alleged involvement in similar cases, and contends that the rule of consistency cannot avail him notwithstanding the trial Court's grant of bail to co-accused Muhammad Bilal. He accordingly presses for dismissal.

6. Having heard learned counsel for the parties and perused the record, this Court finds considerable force in the applicant's submissions. The fifteen-day delay in lodging the F.I.R., unexplained despite the complainant's admitted prior familiarity with the applicant's identity and residence strikes at the very foundation of the prosecution case at this threshold stage. It is equally significant, and undisputed, that investigation stands concluded, the report under Section 173, Cr.P.C. has been submitted, and no further recovery from the applicant is contemplated. Tellingly, the prosecution has failed to place before this Court any independent corroborative material, notwithstanding the presence of the complainant's own companions at the alleged occurrence, an omission that cannot be lightly disregarded. Moreover, co-accused Muhammad Bilal, against whom the specific and comparable allegation of receiving Rs. 500,000/- at the applicant's behest was levelled, has already secured post-arrest

bail from the trial Court vide order dated 05.08.2025. In the absence of any distinguishing feature justifying disparate treatment, the rule of consistency speaks with equal force in the applicant's favor. With the investigative process complete and the challan already before the Trial Court, no legitimate purpose is served by the applicant's continued incarceration.

7. It follows that the applicant's culpability, if any, remains a matter requiring further inquiry within the contemplation of Section 497(2), Cr.P.C., properly resolvable only at trial. Investigation having concluded and challan having been submitted, prolonging the applicant's detention would serve no useful end.

8. In consequence, this application is allowed, and the applicant is admitted to post-arrest bail subject to furnishing a solvent surety in the sum of Rs. 100,000/- together with a personal bond in like amount, to the satisfaction of the learned Trial Court.

9. It is clarified that the observations recorded above are tentative and confined strictly to the disposal of this bail application; they shall not fetter or influence the learned Trial Court's independent adjudication of the matter on its merits.

JUDGE

Faisal