

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Cr. Bail Application No. S-394 of 2026

Applicant: Anwar 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.— The applicant, Anwar, seeks post-arrest bail in Crime No. 118 of 2025, registered under Sections 397, 420 and 34, P.P.C. at Police Station Tando Jan Muhammad, having been denied the same relief by the learned Additional Sessions Judge-II, Mirpurkhas, vide order dated 02.07.2026.

2. The prosecution's own case, as set out in F.I.R. No. 118/2025 (lodged 01.08.2025 at 1700 hours), is that the complainant Ali Sher was introduced, through broker Akbar Panhwar, to a Belarus tractor purportedly offered for sale. On 01.12.2022, accompanied by his cousin Haji Khan and uncle Haji Nawaz, he travelled to the Otaque of Wali Muhammad Chandio at Village Bachal Chandio, where terms were settled at Rs. 3,225,000/- with Wali Muhammad Chandio, Anwar Chandio, Aijaz alias Babu Dhandal, and Zakir. The amount was transferred from Riaz Ahmed's account to that of Sahib Zadi, wife of Wali Muhammad Chandio. It is only thereafter alleged that, while withdrawing the balance, the complainant was robbed at gunpoint and threatened.

3. Significantly the complainant himself has, despite repeated notices, refused to appear before this Court and defend the very allegations he set in motion.

4. Learned counsel for the applicant contends, with justification, that this is a case of false implication driven by malice; that the F.I.R. was lodged after an inexplicable and damning delay of three years, fatally compromising its evidentiary worth; that investigation stands concluded, with the report under Section 173, Cr.P.C. already before the trial Court; that the rigors of Section 497, Cr.P.C. have no bearing here; and that parity is not merely relevant but decisive, given that co-accused Aijaz Dhandal alias Babu facing identical allegations arising from the very same occurrence was granted post-arrest bail vide order dated 08.10.2025.

4. Learned D.P.G., in opposition, seeks to cast the applicant as a habitual offender by reference to unrelated cases, and presses for dismissal.

5. Heard. Record perused. The three-year delay in lodging the F.I.R. is not a technical footnote it is a fundamental infirmity that goes to the very root of the prosecution's case. The complainant admittedly knew the applicant's identity and residence from the outset; his failure to offer even a semblance of explanation for this extraordinary lapse cannot be excused, and it inevitably casts serious doubt on the veracity of the allegations at this stage. This infirmity is compounded, not cured, by the fact that investigation is complete, the challan has been submitted, and no further recovery is awaited from the applicant. More damaging still, the prosecution has failed to produce a shred of independent or corroborative material, despite the admitted presence of the complainant's own

companions at the scene, an evidentiary void that speaks for itself. And when the identically situated co-accused Aijaz Dhandal alias Babu already stands enlarged on bail for the very same occurrence, denying the same relief to this applicant would be indefensible and would offend the settled principle of parity.

6. On this cumulative and compelling assessment, the applicant's alleged complicity remains, for the present, nothing more than a matter requiring further inquiry under Section 497(2), Cr.P.C., a question to be resolved at trial, not through prolonged pre-trial detention. With investigation complete and the challan submitted, continued incarceration serves no penal or investigative purpose whatsoever; it would amount to punishment without proof.

7. Accordingly, this application is allowed. The applicant Anwar is admitted to post-arrest bail against solvent surety of Rs. 100,000/- and a personal bond in the like amount, to the satisfaction of the learned Trial Court.

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

JUDGE

Faisal