

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Cr. Bail Application No. S-392 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. 81 of 2025 under Sections 397/34, P.P.C., Police Station Tando Jan Muhammad, bail having been declined by the learned Additional Sessions Judge-II, Mirpurkhas, vide order dated 22.04.2026.

2. Per F.I.R. No. 81/2025 (lodged 21.07.2025, 1815 hours), the complainant Ali Sher alleges that, having responded to a Facebook advertisement for scrap iron, he and his companions were shown to the Otaque/inn of Wali Muhammad Chandio, whereupon the applicant and co-accused, armed with pistols, robbed him of Rs. 565,000/- under threat of violence.

3. Despite repeated notices, the complainant has not appeared before this Court.

4. Learned counsel for the applicant presses false implication, an unexplained three years delay in lodging the F.I.R., conclusion of investigation with the Section 173, Cr.P.C. report already submitted, inapplicability of the Section 497 bar, and parity with co-accused Ashraf Chandio, granted bail on 11.10.2025.

5. Learned D.P.G. opposes bail, citing the applicant's alleged habitual criminality.

6. Heard. Record perused. The unexplained three-year delay in lodging the F.I.R., despite the complainant's admitted prior knowledge of the applicant's identity and residence, materially undermines the prosecution's case and warrants deeper scrutiny at trial. Investigation stands concluded, the challan is before the trial Court, and no further recovery is pending. Significantly, the very foundation of the prosecution's theory, the alleged Facebook advertisement said to have lured the complainant to the scene remains wholly uncorroborated, the Investigating Officer having made no effort whatsoever to secure the underlying digital or scientific evidence, whether by forensic retrieval, data extraction, or otherwise, to substantiate this pivotal claim. This omission, coupled with the absence of any independent corroboration despite the presence of the complainant's companions at the occurrence, further attenuates the prosecution's case. Parity with similarly-placed co-accused Ashraf Chandio independently justifies identical relief.

7. The applicant's complicity thus remains a matter for further inquiry under Section 497(2), Cr.P.C., to be resolved at trial. Continued incarceration, with investigation complete, serves no purpose.

8. Application is allowed. Accordingly, the applicant is admitted to post-arrest bail against solvent surety of Rs. 100,000/- and a personal bond in like amount, to the satisfaction of the trial Court.

9. Observations herein are tentative and confined to the bail application; they shall not influence the trial Court's independent determination on merits.

JUDGE

Faisal