

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

**Cr. Bail Application No. S-112 of 2026**

**Applicant:** Sajjad Ali S/o Abu Bakar,  
*Through* Mr. Dilawar Hussain Panhwar,  
advocate.

**Respondent:** The State.  
*Through* Mr. Dhani Bakhsh Mari, A.P.G.

**Date of Hearing:** 31.07.2026

**Date of Order:** 31.07.2026

**ORDER**

**Khalid Hussain Shahani, J. -** Applicant Sajjad Ali seeks post-arrest bail in Crime No. 08 of 2026, registered under Sections 397 and 506(ii), P.P.C. with Sections 337-A(i) and F(i), P.P.C. subsequently inducted in the challan, at Police Station Satellite Town, his liberty having earlier been denied by the learned Additional Sessions Judge-I, Mirpurkhas, vide order dated 02.03.2026.

2. The prosecution narrative, as unfolded in F.I.R. No. 08/2026 lodged on 10.01.2026 at 2230 hours, is that the complainant Ghulam Rafique, upon leaving his wife Mst. Naima at their residence on 09.01.2026 at about 5:00 p.m. and proceeding towards his workplace, observed a black motorcycle stationed in the vicinity. Alarmed by cries emanating from his house, he returned to find his wife prostrate on the ground, bearing a head injury, while one unidentified assailant ransacked the almirah and another, brandishing a pistol, extended threats of dire consequence before decamping on the motorcycle with a purse containing Rs. 5,000/-, an artificial ring, and imitation jewelry. The complainant further avers that his attempt at resistance was met with a blow from the butt of the pistol,

occasioning injury to his person, whereafter he procured transport, sought medical attention, and thereafter set the law in motion.

3. Learned counsel for the applicant has argued with considerable force that the applicant stands enmeshed in this prosecution through malafide design; that the F.I.R. suffers from an unexplained and telling delay of over a day; that the applicant finds no mention therein, the culpability having initially been ascribed to persons unknown; and that notwithstanding this critical infirmity, the investigating agency omitted to hold a test identification parade to fix identity. On this edifice, learned counsel submits that the case falls squarely within the contemplation of further inquiry contemplated by Section 497(2), Cr.P.C.

4. Learned D.P.G., resisting the application, invokes the applicant's alleged antecedents as a habitual offender.

5. Heard learned counsel for the respective parties and perused the record with the care the occasion demands. The delay of upwards of twenty-four hours in setting the criminal law into motion, unaccompanied by any credible explanation despite the complainant's manifest opportunity to lodge a prompt report, assumes considerable significance at this tentative juncture. Compounding this infirmity is the incontrovertible fact that the applicant was not named in the F.I.R., the occurrence having been laid at the door of unknown culprits, and that the investigating agency, despite this glaring lacuna, chose not to subject the identification of the applicant to the rigor of a test identification parade. It is not disputed that the investigation has since attained finality, the report under Section 173, Cr.P.C. already stands submitted before the

learned Trial Court, and no further recovery is awaited from the applicant.

6. In view of the foregoing, the question of the applicant's complicity is one eminently reserved for adjudication at trial, falling within the protective ambit of Section 497(2), Cr.P.C. Continued detention, once the investigative process stands exhausted, would serve no legitimate penal or evidentiary purpose and would offend the very rationale underlying the grant of bail pending trial.

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

8. It is clarified, as it must be, that the observations contained herein are strictly tentative in nature and confined to the disposal of the instant bail application; they shall in no manner fetter or influence the independent determination to be rendered by the learned Trial Court on the merits of the case.

**JUDGE**

*\*Faisal\**