

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Cr. Bail Application No. S-415 of 2026

Applicant: Ali Muhammad s/o Bachal Chandio
Through Mr. Francis Locas Khokhar, advocate.

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

Date of Hearing: 31.07.2026

Date of Order: 31.07.2026

O R D E R

Khalid Hussain Shahani, J. —Applicant Ali Muhammad seeks post-arrest bail in Crime No. 94 of 2025, registered under Sections 397/34, P.P.C. at Police Station Tando Jan Muhammad, his plea for bail having been declined by the learned Additional Sessions Judge-II, Mirpurkhas, vide order dated 21.04.2026.

2. The prosecution narrative, as unfolded in the F.I.R., is that the complainant Imtiaz Ali, engaged in the business of vehicles, proceeded on 27.12.2024 along with Fayyaz Ahmed and Hakim to village Bachal Chandio, to the otaque/inn of Ashraf Chandio, at about 1430 hours, where he was met by Ashraf Chandio, Hussain s/o Dilawar Khan, Ali Muhammad s/o Muhammad Bachal, and Anwar Chandio. It is alleged that the accused party, having lured the complainant under the pretext of displaying a vehicle for sale, thereafter divested him of Rs. 23,50,000/- at gunpoint, under threat to life.

3. Notwithstanding repeated notices issued to him; the complainant has chosen not to appear before this Court, a circumstance not without significance.

4. Learned counsel for the applicant, in advancing the case for bail, has forcefully urged the plea of false implication, laid

particular stress upon the unexplained and inordinate delay of over six months in the lodgment of the F.I.R., pointed to the culmination of investigation and submission of the report under Section 173, Cr.P.C., contended that the statutory bar under Section 497, Cr.P.C. stands inapplicable to the facts at hand, and emphasized that the applicant's presence is no longer required for the purposes of further investigation. On this composite ground, he has prayed for the grant of bail.

5. Learned D.P.G., appearing for the State, has resisted the application, invoking the applicant's purported antecedents as a habitual offender.

6. I have heard learned counsel for the parties at length and subjected the record to close scrutiny. The unexplained delay of upwards of six months in setting the criminal law into motion, despite the complainant's admitted foreknowledge of the applicant's identity and whereabouts strikes at the very root of the prosecution's case and demands closer examination at the trial stage. It is not disputed that investigation stands concluded, the challan has been submitted before the trial Court, and no recovery remains outstanding. What assumes still greater significance is that the foundational premise of the prosecution's theory that the complainant party had gone to the place of occurrence for the purpose of inspecting a vehicle remains wholly unsubstantiated on record, in that the Investigating Officer has made no discernible effort to ascertain or place on record the manner in which the accused party is alleged to have made contact with the complainant for that purpose. This glaring lacuna, compounded by the absence of any independent corroboration notwithstanding

the presence of the complainant's companions at the scene, further erodes the case set up by the prosecution.

7. In such circumstances, the question of the applicant's complicity in the alleged offence is one that squarely falls within the domain of further inquiry contemplated under Section 497(2), Cr.P.C., and is a matter properly reserved for determination at trial upon a full appreciation of evidence. With the investigation having attained finality, the continued incarceration of the applicant would serve no discernible penal or investigative purpose.

8. For the foregoing reasons, the application is allowed, and the applicant Ali Muhammad is admitted to post-arrest bail, subject to his furnishing solvent surety in the sum of Rs. 100,000/- and a personal bond in the like amount, to the satisfaction of the trial Court.

9. It is clarified that the observations made herein are tentative in nature and confined strictly to the disposal of the instant bail application; they shall in no manner be construed as an expression of opinion on the merits of the case and shall not fetter the independent determination to be arrived at by the trial Court upon conclusion of trial.

JUDGE

Chander Kumar