

IN THE HIGH COURT OF SINDH CIRCUIT COURT AT MIRPURKHAS

Criminal Bail Application No. S-402 of 2026

Applicant: Ali Muhammad son of Bachal Chandio,
Through Mr. Afzal Karim Virk, Advocate.

Complainant: Waqar Ali son of Zahro Khan present in
person.

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 a case bearing Crime No. 113 of 2025, for offence under Sections 397/34 PPC of Police Station Tando Jan Muhammad. It is a matter of record that an earlier bid for the same relief before the learned 1st Additional Sessions Judge, Mirpurkhas, met rejection by order dated 14.07.2026.

2. The prosecution narrative, as unfolded in F.I.R. No.113/2025 lodged on 24.07.2025 at 1645 hours, is that the complainant Waqar Ali, having chanced upon a Facebook advertisement offering a tractor for sale, proceeded on 15.01.2024, accompanied by his cousin Ali Raza and brother Muhammad Ali to Village Bachal Chandio, to the Otaque of Anwar Chandio, with the intent of consummating the purchase. It is alleged that upon settling a consideration of Rs. 22,00,000/-, the accused persons, namely Ali Gohar Chandio, Ali Muhammad Chandio, and Ashraf, turned upon the complainant and his companions at gunpoint, divesting them of the negotiated sum before fleeing the scene in a white car. The complainant thereafter approached the police station to set the law in motion.

3. On notice being issued, the complainant appeared in person and reposed his confidence in the learned D.P.G. to represent his interests in these proceedings.

4. Learned counsel for the applicant, in advancing the case for bail, contends that his client stands falsely enmeshed in this prosecution; that the F.I.R. suffers from an unexplained and telling delay of about eighteen months, a circumstance that lends credible weight to the plea of foul implication; that the investigative process stands concluded with submission of the report under Section 173 Cr.P.C.; and that the alleged offence, in any event, does not attract the prohibitory rigours of Section 497 Cr.P.C. On this cumulative foundation, he prays for the grant of bail.

5. Learned Deputy Prosecutor General, resisting the application, points to the specific nomination of the applicant in the F.I.R. as sufficient ground to non-suit him, and prays for dismissal.

6. Having heard learned counsel for the applicant and the learned D.P.G., and upon anxious perusal of the record, this Court finds it undisputed that the F.I.R. was lodged nearly eighteen months after the alleged occurrence, notwithstanding the complainant's own assertion of prior acquaintance with the applicant. Such an unexplained hiatus casts a discernible shadow over the spontaneity ordinarily expected of a genuine criminal complaint, a question that, at this stage, admits of no conclusive answer and must abide the crucible of trial.

7. Compounding this infirmity is the demonstrable failure of the Investigating Officer to trace or secure the Facebook advertisement that, by the prosecution's own admission, formed the very genesis of the transaction between the parties. Being electronic in character and therefore amenable to retrieval through diligent investigative effort, this piece of evidence occupied a position of centrality that the investigation inexplicably failed to address. Its conspicuous absence

from the record leaves the prosecution's foundational narrative wanting in corroboration.

8. It is further material that no incriminating article, nor any part of the allegedly robbed amount, was recovered from the applicant during the course of investigation. With the investigation now complete and the report under Section 173 Cr.P.C. duly submitted before the Trial Court, the applicant's continued incarceration can serve no discernible investigative or penal purpose, more so when the offence charged falls outside the prohibitory embargo of Section 497 Cr.P.C.

9. In light of the foregoing, the applicant's case, on a prima facie assessment, squarely attracts the benevolent scope of "further inquiry" contemplated under Section 497(2) Cr.P.C. The question of his guilt or innocence is one that must await determination through evidence led before the Trial Court, and with the challan already submitted, no legitimate object would be subserved by his continued detention pending trial.

10. For the reasons articulated above, the applicant is admitted to post-arrest bail, subject to his furnishing a solvent surety in the sum of Rs. 1,00,000/- (Rupees One Hundred Thousand only) together with a personal bond in the like amount, to the satisfaction of the learned Trial Court.

11. It is clarified, for the avoidance of doubt, that the observations recorded herein are tentative in nature and shall not be construed to prejudice either party at the trial.

12. The application stands disposed of accordingly.

JUDGE