

IN THE HIGH COURT OF SINDH CIRCUIT COURT AT MIRPURKHAS

Criminal Bail Application No.S-403 of 2026

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

Complainant: Raza Muhammad s/o Muhammad
Laghari. (Called absent).

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 connection with Crime No. 95 of 2025, registered under Section 397/34, P.P.C., at Police Station Tando Jan Muhammad. It is common ground that an earlier bid for the self-same relief was rebuffed by the learned 1st Additional Sessions Judge, Mirpurkhas, vide order dated 14.07.2026.

2. The prosecution narrative, as embodied in F.I.R. No. 95 of 2025 lodged on 22.07.2025 at 1145 hours, discloses that the complainant, Raza Muhammad, a dealer in timber, ventured on 10.04.2024, in the company of Sher Muhammad and Niaz Ali, to Village Bachal Chandio with the object of procuring felled trees. It is alleged that the accused persons Anwar Chandio, Altaf Chandio, Ali Muhammad Chandio, and Babu Dhandhal first ascertained the quantum of cash carried by the complainant's party and thereafter, at gunpoint, divested them of Rs.2,500,000/-, subsequently ordering them off the premises. The complainant thereafter repaired to the police station to set the law in motion.

3. Notwithstanding repeated notices issued by this Court, the

complainant has, tellingly, absented himself throughout these proceedings.

4. Learned counsel for the applicant contends, with some force, that his client stands falsely implicated; that an unexplained delay exceeding three months in setting the criminal law into motion fatally undermines the prosecution's claim of spontaneity and lends credence to the plea of false implication; that investigation has since attained finality with submission of the report under Section 173, Cr.P.C.; and that the offence, in any event, escapes the prohibitory embargo of Section 497, Cr.P.C. On this composite footing, he presses for enlargement on bail.

5. Learned Deputy Prosecutor General, resisting the application, submits that the applicant stands specifically named in the F.I.R. and, on this ground alone, urges dismissal.

6. Having heard learned counsel for the applicant and the learned Deputy Prosecutor General at length, and having subjected the record to anxious scrutiny, I find it undisputed that the F.I.R. materialized only after a delay of upwards of three months, a delay rendered all the more curious by the complainant's own assertion of prior acquaintance with the applicant. Such delay, in my tentative assessment, plants a seed of doubt that only the crucible of trial can resolve, and prima facie erodes the spontaneity ordinarily expected to attend a genuine first report.

7. Equally significant is the admitted fact that no incriminating article, nor any fraction of the allegedly plundered sum, was recovered from the applicant during the course of investigation. That investigation has since drawn to a close, culminating in

submission of the report under Section 173, Cr.P.C., before the learned Trial Court. It follows that the applicant's presence is no longer exigible for investigative purposes, and his continued incarceration would serve no discernible penological or evidentiary end, more so given that the offence alleged does not fall within the prohibitory clause of Section 497, Cr.P.C.

8. Viewed thus, the applicant's case, at this prima facie stage, squarely attracts the benevolent contemplation of "further inquiry" envisaged under Section 497(2), Cr.P.C. The question of his culpability or innocence is one that must, of necessity, await the leading of evidence before the Trial Court. With investigation complete and the challan submitted, no juridical purpose would be subserved by his continued detention pending trial.

9. For the reasons afore-stated, the applicant is admitted to post-arrest bail, subject to his furnishing a solvent surety in the sum of Rs. 100,000/- (Rupees One Hundred Thousand only), together with a personal bond in the like amount, to the satisfaction of the learned Trial Court.

10. It is clarified, ex abundanti cautela, that the observations recorded herein are tentative in nature and shall not be construed to prejudice either party at the trial.

11. The application stands disposed of accordingly.

JUDGE

“Chandar Kumar”