

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 157 of 2026

Applicants : 1. Muhammad Dars S/o. Nabu Dars
2. Muhammad Amin S/o. Menhwasayo.
3. Ayoub Dars S/o. Muhammad Dars.
Through Mr. Manzoor Ali Jamari, Advocate

Respondent : The State
Through Mr. Sharafuddin Kanhar, APG.

Date of hearing : 04.08.2026.

Date of order : 04.08.2026.

ORDER

Jan Ali Junejo, J.— Applicants 1) Muhammad Dars S/o. Nabu Dars, 2) Muhammad Amin S/o. Menhwasayo and 3). Ayoub Dars S/o. Muhammad Dars seek pre-arrest bail in a case bearing Crime No. 68/2025, for offence under section 381-A/506(2)/504/34 registered at PS Ladiun District Sujawal. Prior to this, the applicants had sought the same relief before the learned Sessions Judge, Sujawal, which was declined vide order dated 06.01.2026. They were admitted to interim pre-arrest bail by this court vide order dated 19.01.2026, now the matter is fixed for confirmation of interim bail or otherwise.

2. The accusation against the applicant as per contents of FIR lodged by the Complainant is that on 13.12.2025, the complainant, along with his harvester Hamzo Somro and brother Muhammad Ramzan, visited their agricultural land and found the water pump/machine installed thereon open, with its parts stolen. They noticed footprints leading towards the houses of Muhammad Dars and upon raising calls Muhammad son of Nabi Dars, Ameen son of Meenh Wasayo and Ayub son of Muhammad Dars came out, allegedly armed with deadly weapons. The accused abused and threatened the complainant and his companions and allegedly confessed to having stolen the machine parts. Due to fear, the complainant and his companions left the place and informed respectable persons of the locality, but the stolen parts could not be recovered. Thereafter, the complainant approached the learned Sessions Judge, Sujawal, under section 22-A Cr.P.C., who directed him to approach the police for registration of the FIR. Hence, this FIR.

3. Heard and perused record.

4. As per the contention of the learned counsel for the applicant, the the impugned order is contrary to the facts and law, as the learned Sessions Judge failed to properly appreciate the material available on record. He submitted that the applicants have been falsely implicated, as neither the complainant nor his brother or harvester is an eye-witness to the alleged theft, no independent witness has been associated, and the FIR was lodged after an unexplained delay of 15 days. He further argued that the FIR was registered pursuant to an alleged verbal direction under section 22-A Cr.P.C., which itself creates serious doubt, while the complainant failed to furnish particulars or ownership documents of the land and water machine, including its survey number, make, colour or supporting documents. Learned counsel further pointed out that the police report found no evidence of theft and disclosed an existing monetary dispute between the parties, who are close relatives residing in the same village, while nothing was recovered from the applicants. It was also argued that the prosecution story contains two places of occurrence, creating a material contradiction and making the case one of further inquiry under section 497(2) Cr.P.C. He submitted that applicant No.1 is an aged person of about 82 years and a respectable resident of the locality, and that the applicants have been implicated due to a dispute regarding Rs.70,000/- allegedly payable by the complainant against tractor cultivation. Learned counsel maintained that the alleged offences under sections 381-A and 506(2), P.P.C. have been falsely applied, the case does not fall within the prohibitory clause of section 497 Cr.P.C., and the applicants are neither likely to abscond nor tamper with the prosecution evidence. He, therefore, prayed that the applicants be admitted to bail.

5. On the other hand, learned APG has opposed for confirmation of bail on the ground that sufficient material is available on record to connect with the applicants/accused person with the commission of offence.

6. I have heard learned counsel for the applicant as well as learned APG and perused the record. Admittedly, the alleged theft was not witnessed by the complainant, his brother or harvester; no independent witness has been associated, no stolen machinery parts have been recovered from the applicants, and the FIR was lodged with a delay of about fifteen days, no tangible evidence of the alleged theft was found during inquiry. The absence of specific particulars and ownership documents of the allegedly stolen machine further warrants deeper probe.

7. At bail stage, only a tentative assessment is to be made and deeper appreciation is not permissible. Prima facie, learned counsel for the applicants/accused has succeeded to bring a case of applicants/accused for further inquiry as envisaged under subsection (2) of section 497, Cr.P.C. Consequently, the bail application is allowed and the interim pre-arrest bail granted by this Court to the applicants/accused vide order dated 19.01.2026 is hereby confirmed. However, applicants/accused persons are directed to attend the trial.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants on merits.

J U D G E