

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 841 of 2026

Applicants:	1. Ali Asghar son of Manthar bycaste Bhellar, Resident of village Hingoro, Taluka Pano Akil, District Sukkur. 2. Basheer Ahemd son of Muhammad Moosa bycaste Jatoi, resident of Dafhar, Taluka Pano Akil, District Sukkur through Mr. Abdul Raheem Ansari, advocate.
The State	Through Mr. Mansoor Ahmed Shaikh, Deputy Prosecutor General, Sindh.

Date of hearing & Orders: 24-09-2026.

ORDER.

Suresh Kumar, J.--- Through the instant bail application, the applicants named above seeks confirmation of the ad-interim pre-arrest bail already granted to them by this Court vide order dated 03-09-2026, in a case bearing crime No. 83/2026, offence u/s 379, 411, 269, 270, 353, 186 PPC registered at Police Station Sangi, District Sukkur.

2. "Concisely, the facts of the prosecution case, as depicted in the FIR, are that the complainant, SIP Muhammad Essa, lodged the FIR on 28-05-2026, alleging that on the day of the report, he, along with his subordinates, was on patrol when they reached Ghunya Road National Highway. There, they received intelligence that the accused, Basheer Ahmed, Abdul Rahman Jatoi, Asghar, and a driver, in collusion with one another, were selling oil/ghee that is injurious to human life. Upon receiving such information, they proceeded to the specified location, where they found one Jhurry lying. Beside it, the accused Basheer Ahmed, Abdul Rahman Jatoi, Asghar Bhellar, and one unknown person were standing. Upon seeing the police, they ran towards them, attempted to deter the police from performing their lawful duty, tore the shirt of PC Muhammad Ali, pushed the police party, and escaped. The complainant's party found an empty Jhurry and one drum filled with oil/ghee that was injurious to human health. A mashirnama was prepared, and ultimately, the complainant lodged the aforementioned FIR."

3. The applicant initially sought pre-arrest bail from the Court of the learned Additional Sessions Judge Pano Akil, which was dismissed vide order dated 31-08-2026. Being aggrieved by this dismissal, the applicants have approached this Court.

4. I have heard the learned counsel appearing on behalf of the applicants/accused and learned DPG for the State.

5. Having given due consideration to the arguments advanced by the counsel for the respective parties and having perused the relevant material, it is revealed from the examination of the FIR that the applicants/accused allegedly sold health-injurious cooking oil/ghee and further allegedly deterred the police party from performing their lawful duty. Sections 269, 270, and 353 of the PPC are bailable, while sections 379 and 411 of the PPC are misapplied in the FIR, as it is nowhere mentioned that the applicants/accused committed any theft or that stolen property was recovered from their possession. It is well-settled law that bail in bailable offences is a matter of right. The learned Additional Sessions Judge, Pano Akil, dismissed the pre-arrest application of the applicants solely on the ground that they did not join the investigation. Today, the learned counsel for the applicants has produced a case diary dated 08-09-2026 regarding the appearance of the applicants before the trial court, as well as a receipt letter showing that they appeared before the concerned police. After the grant of interim pre-arrest bail by this Court, the applicants/accused have not misused the concession of pre-arrest bail.

6. For the foregoing reasons, I am of considered view that the applicants/accused have successfully made out a case for the grant of pre-arrest bail, therefore, the interim pre arrest bail already granted to them on 03-09-2026, is hereby confirmed on same terms and conditions with direction to appear before trial Court.

7. Needless to say that the above observations are tentative in nature and will not prejudice the case of either party at the time of trial.

J U D G E