

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Bail Appl. No. S-03 of 2026
[Ghulam Rasool v. The State]

05.10.2026

For orders on office objections
For hearing of main case

Mr. Aslam Pervez Sipio Advocate along with applicant on interim pre-arrest bail
Mr. Shamsuddin Rajpar, Deputy Attorney General for Pakistan along with complainant

ORDER

ABDUL MOBEEN LAKHO, J.- Applicant seeks pre-arrest bail in Crime No.442 of 2025 registered at Police Station Pabban / Husri for offences under Section 462-B PPC, after dismissal of his application for pre-arrest bail by the learned Sessions Judge, Hyderabad, vide order dated 29.12.2025.

2. The details and particulars of the case are already available in the bail application and the FIR and may be gathered therefrom; hence, the same need not be reproduced herein.

3. Learned counsel for the applicants contends that the applicant is innocent and has been falsely implicated in this case; that there is delay of one day in registration of FIR which has not been reasonably explained; that there are general allegations against the applicant; that no specific role has been assigned to the applicant; that there is difference between the FIR and the letter of Field Manager Tando Alam Oil Complex dated 19.12.2025 nominating the complainant for lodging FIR; that the motorcycle allegedly recovered from the place of incident is in the name of one Chibhar Khoso who has not been made as an accused in the present case; that from the perusal of FIR the ingredients of Section 462-B PPC are not made out; that the time of alleged incident is shown in the FIR as 06:30 p.m. on 19th December 2026 and no source of light is shown based on which the applicant was identified; that punishment for the offence is not less than seven (07) years and upto 14 years and at the bail stage lesser punishment is to be considered, as such, the offence does not fall within the prohibitory clause of section 497 Cr.P.C. that the case has been challaned, charge has been framed, case is ripe for recording evidence and the applicant is attending the trial Court; however, the prosecution is reluctant to adduce their evidence; that the applicant is no more required for further investigation; and, that the case of applicant requires further inquiry. Lastly, he prays for confirmation of interim pre-arrest bail already granted to the applicant.

4. On the other hand, learned DAG appearing for the State has opposed the pre-arrest bail application on the ground that the applicant is nominated in the FIR and the case property has been recovered from his land.

5. I have heard the learned counsel for the parties and have examined the available material with their assistance. From the tentative assessment of the record, it appears that the prosecution case, at this stage, requires further inquiry into the alleged involvement of the applicant. Although the applicant is nominated in the FIR, mere nomination by itself is not sufficient to disentitle him from the extraordinary relief of pre-arrest bail, particularly where the allegations require further scrutiny and the specific role attributed to him is not clearly established from the record. The contentions raised by learned counsel for the applicant regarding the unexplained delay in registration of the FIR, discrepancy between the FIR and the letter of the Field Manager, non-involvement of the registered owner of the motorcycle allegedly recovered from the place of occurrence, absence of a specific role attributed to the applicant, and the applicability of Section 462-B PPC are matters which, prima facie, call for deeper appreciation of evidence at the trial. At this stage, such disputed questions cannot be conclusively determined. It is also not disputed that the investigation has been completed, challan has been submitted, charge has been framed and the applicant is regularly attending the trial proceedings. The applicant is on interim pre-arrest bail and there is nothing on record, at this stage, to suggest that he has misused the concession, attempted to influence or intimidate the prosecution witnesses, or otherwise obstructed the course of justice. The mere fact that the alleged case property was recovered from land stated to be owned or possessed by the applicant is, by itself, not sufficient to establish his conscious involvement in the commission of the offence, particularly when the matter is otherwise dependent upon evidence yet to be recorded. In the circumstances, I am of the tentative view that the applicant has made out a case for further inquiry within the meaning of Section 497(2), Cr.P.C.

6. Accordingly, the instant bail application is allowed and the interim pre-arrest bail granted to the applicant vide order dated 05.01.2026 is hereby confirmed on the same terms and conditions.

The observations made hereinabove are tentative in nature and would not prejudice the case of either party at trial.

JUDGE