

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.**

Present:

Mr. Justice Jawad Akbar Sarwana

Criminal Bail Application No.S-469 of 2026

Applicant/Accused : Mujahid Ali son of Ali Muhammad Rind,
Through Mr. Faisal Nadeem Abro,
advocate.

Respondent : The State
Through Ms. Sana Memon, APG
alongwith Inspector Liaquat Ali.

Complainant : Sheva son of Metho is present in person.

Date of hearing : 06.08.2026.

Date of Decision : 19.08.2026.

O R D E R

JAWAD AKBAR SARWANA, J:- Applicant/accused, Mujahid Ali s/o Muhammad Rind, seeks post-arrest bail in Crime No.96 of 2026, registered under Sections 397, 342 PPC, at PS Husri, Hyderabad, after his post-arrest bail was denied vide order dated 10.04.2026 passed by the 1st Additional Sessions Judge, Hyderabad, in Criminal Bail Application No.934 of 2026.

2. The background of the matter as set out in the FIR for the sake of brevity is not reproduced and may be read into this paragraph ad seriatim.

3. The applicant's counsel contends that the instant FIR has been registered with mala fide intentions; that there is enmity between the parties, as there is also another FIR registered by the applicant/accused against the complainant, and therefore, this FIR is malafide and a counter-blast. He further contends that the applicant/accused played no

active role in the alleged crime and that there is an inordinate delay in filing the FIR.

4. On the other hand, the Complainant in person submits that he does not have the resources to engage private counsel, and shall rely on the assistance of the State. The learned APG has argued that the applicant/accused acted in concert with his accomplices and committed robbery of one mobile phone and 26 goats, and therefore, he is not entitled to the concession of bail.

5. Heard learned counsel for the applicant/accused, the complainant in person, and learned APG. Perusal of the record reveals that the alleged incident took place on 28.02.2026 @ 0300 hours, and the complainant lodged the present FIR on 23.03.2026 @ 2100 hours after an inordinate delay of 23 days, without any plausible explanation. Given this delay, and that the incident took place in the dead of night, the FIR gives no description of the accused, except that they were nominated expressly 23 days after the occurrence. Further, as per the police papers, no roznamcha entry was/is available on the date of occurrence of the crime, too. The aforesaid observations suggest deliberations and consultations on the part of the complainant and give rise to further inquiry. Moreover, while the cellphone was found through the recovery memo, there was no corroboration as to whether it contained the SIM card of the applicant/accused and how it was found on the road near Devi Jungle, given the aforesaid delay. In the circumstances, a case of further inquiry is made out. As per FIR, neither the complainant nor anyone else apparently sustained any injuries nor any evidence of an offensive weapon has come to light. Thus the trial Court would have to determine the applicability of Section 397 PPC, after recording of evidence from the prosecution's witnesses. Finally, the Challan has been submitted, and the trial is underway. Thus given the matrix of issues described above, the case of the applicant/accused does not appear to

fall within the ambit of the prohibitory clause of Section 497 Cr.P.C. and a case for post-arrest bail is made out.

6. Given the above reasons, concession of post-arrest bail has accrued in favour of the applicant/accused. Consequently, the bail application is hereby allowed and the applicant/accused, Mujahid Ali son of Ali Muhammad Rind, is admitted to post-arrest bail, subject to furnishing solvent surety in the sum of Rupees One Hundred Thousand only (Rs.100,000/-) and a P.R. Bond in the like amount to the satisfaction of the learned Trial Court.

7. Needless to mention that the observations made hereinabove are tentative and shall not prejudice the learned Trial Court at the stage of trial.

JUDGE

Irfan