IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.

(1). Crl. Bail Application No.S-908 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE

Applicants: (1).Ghulam Hyder @ Bago S/O Allah Wadhayo
(2). Barkat Ali S/O Wazir Ali boty by caste Maitlo
Through Mr.IftikharHussain Maitlo, Advocate.

(2). Crl Bail Application No.914 of 2026.

Applicant: Irfan Ali S/O Dhani Bux Shar
Through Mr.Sarang Latif Advocate.

The State: **Through Mr. Muhammad Raza Katohar D.PG**.

Date of hearing & order: **04.11.2026**.

Suresh Kumar J:- Through this common order I, intend to decide above two separate bail applications filed on behalf of applicants/accused Ghulam Hydeder @ Bago, Barakt Ali and Irfan Ali arising out of same Crime No.312 /2026, Offence U/S 397 PPC, registered at Police Station, B-Section Khairpur (PP Shah Hussain) District Khairpur, under which the applicants/accused above named seek confirmation of their interim pre arrest bail earlier granted to them vide orders dated 15.09.2026, and 16.09.2026, respectively passed by this Court .

2. The facts of the prosecution, as depicted in the FIR, are that on 27.08.2026, the complainant, Abdul Khalique Phulpoto, lodged an FIR stating that on 31.07.2026, the applicants/accused, along with other nominated accused and three unknown culprits, duly armed, forcibly robbed a tractor loaded with 72 bags of Shohara and confined the complainant party for two hours in the dates garden. Thereafter, they drove away the robbed tractor towards the National Highway.

3. The applicants/accused initially applied for grant of pre arrest bail which was dismissed by the learned Additional Sessions Judge-III, Khairpur

vide order dated 12.09.2026. Being aggrieved by this dismissal order, the applicants/accused have approached this Court.

4. I have heard learned counsel for applicants/accused, and learned D.P.G Sindh at length, who have strongly opposed the confirmation of interim pre arrest bail of applicants/accused, while notice issued to the complainant but he has chosen to remain absent.

5. Having given due consideration to the arguments advanced by the learned counsel for the applicants/accused and the learned DPG, and having perused the relevant material available on record, it is revealed from the perusal of the FIR that the alleged incident of robbery of the tractor, along with 72 bags, was committed by the applicants/accused and co-accused on 31.07.2026, while the FIR was lodged on 27.08.2026. Such a significant delay of 27 days has not been plausibly explained by the complainant. Therefore, due deliberation and consideration cannot be ruled out. The record further reveals that the applicants/accused have been found innocent by the Investigating Officer (I/O), who placed their names in column No. II of the challan. The learned counsel has produced a certified copy of the final report and further stated that an order is yet to be passed on the charge-sheet by the concerned Magistrate. The unexplained delay in lodging the FIR, coupled with the placement of the names of the applicants/accused in column No. II of the challan, necessitates further inquiry into the case of the applicants/accused, as embedded in Section 497(2) Cr.P.C. No useful purpose will be served by refusing bail before arrest on the technical grounds of absence of mala fides if the accused have otherwise made out their case for bail after arrest on merits. In this regard reliance is placed upon the case of Muhammad Ramzan v.Zaffarullah and others (1986 SCMR 1380) and case of Khalilullah v.The State (PLD 2017 SC 730). After grant of interim pre-arrest bail the applicants/accused have been appearing before this Court as well as concerned Magistrate and have not mis used the concession of ad interim pre-arrest bail.

6. For the foregoing reasons, I am of the considered view that the applicants/accused have made out a case for the confirmation of interim pre-arrest bail. Therefore, the interim pre-arrest bail granted to the applicants/accused on 15.09.2026 and 16.09.2026, is confirmed on same terms and conditions, with a directions to appear before trial Court as and when required.

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

Hizbullah