IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Bail Application No. S-910 of 2026

Applicants	:	(i) Aslam S/o Muhammad (ii) Sadique Abdul Ghafar S/o Allah Bux through Mr. Nihal Khan Lashari
Complainant	:	Muhammad Jarwar S/o Mousa Khan through Mr. Masood Ahmed Sahito Advocate
Respondent	:	The State through Ms. Sana Memon, Assistant Prosecutor General, Sindh
Date of hearing	:	27-08-2026
Date of Short Order	:	27-08-2026
Date of Reasons	:	28-10-2026

O R D E R

JAWAD AKBAR SARWANA, J.- Through the captioned bail application, applicants/accused (i) Aslam S/o Muhammad Siddique and (ii) Abdul Ghafar S/o Allah Bux seek post-arrest bail in Crime No.52 of 2026, registered at Police Station Bukera Shareef for the offences U/Ss 397 and 342 PPC. Earlier, the learned Ist Additional Sessions Judge, Tando Allahyar, declined their first bail application vide order dated 11.06.2026.

2. I have heard the learned counsel for the applicant/accused, the complainant, as well as the learned APG Sindh, and perused the record, and my observations are herein below.

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

4. It emerges from the record that the complainant alleged that four men had entered into his home, with two of them armed with pistols, with one holding an axe, and another holding a wooden stick. Out of these four accused, one had his face covered. As per the initial information provided to law enforcement in the FIR by the complainant, all four men

escaped after allegedly stealing Rs.1,29,000/- cash, one tola of gold, two golden earrings, and one Rado wristwatch. The FIR was registered on 14.04.2026, about 18 hours after the alleged crime, and it did not name the unknown persons therein. As per the learned APG Sindh, the recovery memo does not state whether any of the stolen items, ranging from cash to gold ornaments to the Rado watch, were recovered. The recovery memo states only that a sum of Rs.300,000/- was recovered from the applicant/accused; however, it does not identify whether the cash in the accused's possession was the stolen cash or otherwise. This aspect requires further investigation.

5. Additionally, there is another aspect that although the complainant lodged the FIR on 14.04.2026 at 2100 hours, it was not until he recorded his Further Statement under Section 161 Cr.P.C. almost a month and a half later that he nominated the applicants/accused Aslam and Abdul Ghafar by name, however, to this end, there was no identity parade conducted by the Police as none is available in the police papers as per the APG. This aspect also required further inquiry. The Further Statement also did not identify which one of the four men who allegedly did not have their faces covered was amongst those whose faces were covered. No identification parade was also carried out. Thus, on the one hand, there is a considerable delay in reporting the nomination of the applicants/accused, which requires explanation and, hence, further inquiry; and on the other hand, the complainant has not identified them through an identification parade. Finally, the timing of recording the Further Statement also does not inspire confidence, as prior to the Further Statement, the complainant’s family members lodged yet another FIR, namely, FIR No.89 of 2026 on 21.05.2026, in which the applicant/accused Aslam was also nominated. Given the above, the Further Statement under Section 161 CrPC, recorded after the second FIR No. 89 of 2026, requires further inquiry. Last but not least, the learned APG Sindh submitted that no CRO exists against the two applicants/accused.

6. Consequently, vide my short order dated 27.08.2026, this Bail Application was allowed and the applicants/accused (i) Aslam S/o Muhammad Siddique and (ii) Abdul Ghafar S/o Allah Bux were admitted

to bail in Crime No.52 of 2026, registered at Police Station Bukera Shareef for the offences U/Ss 397 and 342 PPC subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac Only) each and P.R. bond in the like amount to the satisfaction of the learned trial Court. These are the reasons in support thereof.

7. The above are the reasons for my short order dated 29.09.2026 allowing the pre-arrest bail to the above-named (i) Aslam and (ii) Abdul Ghafar.

8. Needless to mention that the observations made herein are merely tentative and shall not be relied upon by the parties or by the trial Court and shall not influence the learned trial Court at the time of final decision based on merits after recording of evidence.

J U D G E

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