IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Bail Application No. S-851 of 2026
Cr. Bail Application No. S-1043 of 2026

Applicants	:	Raja Waqar Hussain s/o Ghulam Shabbir in Cr. Bail Application No. S-851 of 2026, through Mr. Abdul Hafiz Laghari, Advocate Ghulam Sarwar S/o Jan Muhammad in Cr. Bail Application No. S-1043 of 2026, through Mr. Altaf Sachal Awan Advocate
Complainant	:	Muhammad Faizan s/o Chand, by caste Chandigar
Respondent	:	The State through Mr. Khalid Hussain Lakho, Deputy Prosecutor General, Sindh, a/w Inspector Muhammad Changal on behalf of SSP Hyderabad, SIP Manzoor Hussain from PS Phuleli, Hyderabad and HC Muhammad Shahid from PS Phuleli, Hyderabad.
Date of hearing	:	22-09-2026
Date of Short Order	:	22-09-2026
Date of Reasons	:	28-10-2026

O R D E R

JAWAD AKBAR SARWANA, J.- Through the captioned bail applications, applicant/accused: (i) Raja Waqar Hussain S/o Ghulam Shabbir in Cr. Bail Application No. S-851 of 2026 seeks post-arrest bail in Crime No. 86 of 2026, registered at Police Station Phuleli, Hyderabad, for offences under s. 397 and 34 PPC. Earlier, the learned Ist Additional Sessions Judge, Hyderabad, declined the first bail application vide order dated 20.06.2026. Meanwhile, (ii) the applicant/accused, Ghulam Sarwar S/o Jan Muhammad, in Cr. Bail Application No. S-1043 of 2026, seeks post-arrest bail in the same crime number. Earlier, his first bail application, i.e. Cr. Bail Application No.1425 of 2026, was declined by the learned First Additional Sessions Judge, Hyderabad, vide order dated 21.05.2026 on merits; however, he did not challenge the denial of bail before the High Court. Thereafter, Ghulam Sarwar filed Cr. Bail Application No. 1724 of 2026 on medical grounds, and the Sessions Court declined the bail application vide order dated 17.06.2026.

Thus, Ghulam Sarwar challenges both his first and second bail denials by the Sessions Court below through this post-arrest criminal bail application No.S-1043/2026.

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

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

4. As per FIR No.86 of 2026, the complainant Muhammad Faizan son of Chand alleged that he had been robbed by allegedly 07 unknown persons riding on 03 motorbikes who had intercepted him and robbed him at gunpoint of Rs.55,000/- in cash, one iPhone 13 Pro Max, one Vivo V20 mobile phone, his CNIC and Honda CD-70 motorcycle bearing registration No.HEH-4441. When Muhammad Faizan reported the crime, he had not named anyone as the alleged offender. The FIR described none of the seven unknown persons. Thus, at the outset, on this question alone concerning the nomination and identification of the applicants/accused, including Raja Waqar Hussain S/o Ghulam Shabbir and Ghulam Sarwar S/o Jan Muhammad, booked in Crime No. 86 of 2026, further investigation is called for.

5. Be that as it may, as per the information available on record, after the complainant Muhammad Faizan was robbed, he narrates the account of two out of the seven accused who fled the scene of the crime. It is unclear how these two accused fled, i.e., on motorbikes (as they came) or on foot. In any case, no timeline exists for the events that followed, except that the complainant approached Police Station Phuleli, Hyderabad, to report the incident. The FIR records that the crime allegedly took place on 19.04.2026 at 0030 hours, whereas the complainant reported it on the same date at 0140 hours. Somehow, even though none of the accused, including the applicants, were identified by any description nor by name by the complainant in the FIR, and allegedly the seven (7) came on motorbikes and presumably also left on the said motorbikes, yet as per the FIR, the police allegedly chased two out of the seven of these unknown persons (whether on wheels or foot is not disclosed), and one of the alleged robbers (at least as per the FIR) being Asif

Ali, took a gunshot from the law enforcement and expired, whereas the police, after chasing the other accused, apprehended him, and he disclosed his name as Sajid son of Bashir Bhayyo. Yet, even so, the FIR still does not bring us any closer to the two named accused in this bail application, i.e. Raja Waqar and Ghulam Sarwar, who are neither described in the FIR nor referred to by name. At this stage, neither Raja Waqar Hussain nor Ghulam Sarwar had come into the picture. Several questions thus arise, and the FIR's background itself calls for further inquiry.

6. Additionally, there is no description given by the complainant either in the FIR or in the 161 CrPC statement concerning the two applicant/accused, yet, without holding any identification parade, the said applicants/accused have been booked in the said FIR No.86 of 2026, which in itself calls for further inquiry.

6. Notwithstanding the above, the record tentatively suggests that the applicant/accused, Raja Waqar Hussain, was already in detention when his name was added to the accused by IO, which also calls for further inquiry.

7. In view of the legal position and the circumstances highlighted above, the case against the two (2) applicants/accused is purely covered by Sub-Section (2) of Section 497 CrPC, and a case for grant of post-arrest bail has been made out in favour of the two applicants/accused.

8. Consequently, vide my short order dated 22.09.2026, these Bail Applications were allowed and the applicant/accused:

(i) Raja Waqar Hussain s/o Ghulam Shabbir in Cr. Bail Application No. S-851 of 2026 was admitted to post-arrest bail in Crime No.86 of 2026, registered at Police Station Phuleli, District Hyderabad, for the offences U/Ss 397, 34 PPC, subject to his furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand Only);

and,

(ii) Ghulam Sarwar S/o Jan Muhammad in Cr. Bail Application No. S-1043 of 2026 was admitted to post-arrest bail in Crime No.86 of 2026, registered at Police Station Phuleli, District Hyderabad, for the offences U/Ss 397, 34 PPC subject to his furnishing solvent surety in the sum of

Rs.100,000/- (Rupees One Hundred Thousand Only) and P.R. bond in the like amount to the satisfaction of the learned trial Court.

These are the reasons in support thereof.

9. The above are the reasons for my short order dated 29.09.2026 allowing the pre-arrest bail to the above-named (i) Raja Waqar Hussain, and (ii) Ghulam Sarwar.

10. 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

Asif