IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Bail Application No. S - 712 of 2026

Applicant	:	Mobeen Ahmed s/o Muhammad Pariyal Chandio Through Mr. Asif Gul Bhatti & Ms. Neelum Meer Mehrani, advocate.
Respondent	:	The State Through Mr. Irfan Ali Talpur, Deputy Prosecutor General a/w Inspector Tofique Ahmed and I.O SIP Kouro Khan.
Date of hearing	:	29.09.2026
Date of short order	:	29.09.2026
Date of reasons	:	28.10.2026

O R D E R

JAWAD AKBAR SARWANA, J.- Through the captioned bail application, applicant/accused Mobeen Ahmed s/o Muhammad Pariyal Chandio, seeks post-arrest bail in Crime No.352/2025, registered at Police Station Kotri, for the offence U/S 324, 504 PPC. Earlier, the learned Additional Sessions Judge-I, Jamshoro, declined his first bail application vide order dated 14.04.2026.

2. I have heard the learned counsel for the applicant/accused, complainant and the learned DPG 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 which for the sake of brevity is not reproduced and may be read into this paragraph ad seriatim.

4. From the perusal of the record, it appears that the FIR was lodged with a delay of about two days. This is peculiarly odd, too, as the distance between the place of the incident/occurrence of the crime and the P.S. where the crime was eventually reported, that is, Police Station Jamshoro, is short. Without furnishing any cogent or plausible explanation as to why the FIR was registered with a delay of two days, it does not inspire confidence at the bail granting stage. Such delay in registering the FIR, particularly in criminal cases of this nature, raises serious doubts about the authenticity of the prosecution version and suggests deliberation and consultation before registering the case. This aspect alone makes the applicant's case fit for further inquiry under Section 497(2), Cr.P.C. In the case titled "*Syed Aman Ullah Shah v. The State*

and another" reported as PLD 1996 SC 241, the Apex Court has held as follows:-

> "So whenever reasonable doubt arises with regard to the participation of an accused person in the crime or about the truth/probability of the prosecution case and the evidence proposed to be produced in support of the charge, the accused should not be deprived of benefit of bail. In such a situation, it would be better to keep an accused person on bail then in the jail, during the trial."

5. It is also pertinent to observe that except for Section 324, PPC, all other sections mentioned in the FIR are bailable in nature. Whether Section 324, PPC is attracted in the peculiar circumstances of the case is a matter which can only be determined by the learned trial Court after recording evidence. At this tentative stage, applicability of Section 324, PPC remains doubtful, thereby further fortifying the plea of further inquiry raised on behalf of the applicants. The remaining sections do not fall within the prohibitory clause of Section 497 CrPC. Grant of bail in such like offences is a rule and refusal thereof is an exception. In the case titled "*Muhammad Tanveer v. The State and another*" reported as PLD 2017 SC 733, the apex Court has held as under;-

> "Once this Court has held in categorical terms that grant of bail in offences not falling within the prohibitory limb of section 497, Cr.P.C. shall be a rule and refusal shall be an exception then, the Courts of the country should follow this principle in its letter and spirit because principles of law enunciated by this Court are constitutionally binding on all Courts throughout the country including the Special Tribunals and Special Courts."

Similarly, in case titled "*Tariq Bashir and 05 others v. The State*" reported as PLD 1995 SC 34, the Apex Court has also affirmed the same rationale by observing that;-

> "That grant of bail in offences punishable with imprisonment for less than ten years is a rule and refusal is an exception, which are missing in the present case."

6. Notwithstanding the above, as per the FIR, too, the applicant/accused Mubeen Ahmed with a pistol allegedly fired upon the complainant, which hit his right knee, as did the other co-accused, who were also armed and fired upon other named victims and injured persons as mentioned in the FIR, yet most strangely, as per the MLC., all the victims/injured persons, each received injury at the very same place, viz., on their thigh, as the other ones. How did all the several victims/injured receive bullet injuries at the exact same spot, even though different named accused fired on the concerned victims, calls for further inquiry.

7. Further, although the incident is/was reported to have taken place on a public road, yet no other independent witnesses are cited in the FIR. Moreover, no recovery of the firearm is reported against the applicant/accused.

8. In the circumstances and in view of the legal position, the case against the applicant/accused is purely covered by Sub-Section (2) of Section 497 CrPC and given the above observations, a case for further inquiry and investigation is/was made out for grant of concession of post-arrest bail.

9. Consequently, vide my short order dated 29.09.2026, this Bail Application was allowed and the applicant/accused, Mobeen Ahmed s/o Muhammad Pariyal Chandio, was admitted to bail in FIR No.352 of 2025 lodged under Sections 324, 504 PPC at PS Kotri, subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac Only) and P.R. bond in the like amount to the satisfaction of the learned trial Court. These are the reasons in support thereof.

10. The above are the reasons for my short order dated 29.09.2026 allowing the pre-arrest bail to the above-named Mobeen Ahmed.

11. 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