

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

Criminal Bail Application No.S-256 of 2025

Applicant : Piya Ali s/o Khuda Bux
Through Mr. Santosh Kumar Khatri,
Advocate.

Respondent : The State through Mr. Dhani Bakhsh
Mari, Assistant Prosecutor General Sindh.

Complainant : Sajid Niaz s/o Niaz Ahmed.
(Called absent)

Date of hearing : 16.10.2025.

Date of Order : 16.10.2025.

O R D E R.

SHAMSUDDIN ABBASI, J:- Through the instant bail application, the applicant/accused, namely Piya Ali, seeks post-arrest bail in Crime No.46/2025, registered at Police Station Mehmoodabad for an offence under Sections 381-A and 34, PPC. His post-arrest bail application was earlier dismissed by the Court of Consumer Protection Judge/Civil Judge & Judicial Magistrate, Mirpurkhas, vide order dated 13.09.2025. The applicant/accused thereafter impugned the said order before the learned Additional Sessions Judge-I, Mirpurkhas, who maintained the order of the learned Magistrate and dismissed the bail application vide order dated 17.09.2025.

2. The complainant is not an eyewitness to the theft of the motorcycle, while the prosecution witnesses, namely Abdullah (brother of the complainant) and Ali Hyder, have identified the applicant along with other co-accused persons who allegedly took away the complainant's motorcycle. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case; that there is a delay of one day in the lodgment of the FIR without any plausible explanation; that the alleged offence does not fall within the

ambit of the prohibitory clause of Section 497(1), Cr.P.C.; and that the case of the applicant requires further inquiry.

3. On the last date of hearing, the complainant has appeared before this Court and sought time to engage a counsel, but today he is called absent without intimation.

4. On the other hand, the learned Assistant Prosecutor General has vehemently opposed the grant of post-arrest bail to the applicant/accused on the ground that the applicant is nominated in the FIR and pistol and one motorcycle were recovered from his possession.

5. Heard learned counsel for the applicant, learned Assistant Prosecutor General and perused the record.

6. Admittedly, there is a delay of one day in the lodgment of the FIR, which indicates that the same was registered after due consideration, deliberation, and consultation. The complainant himself is not an eyewitness to the alleged theft of the motorcycle. The alleged offence does not fall within the ambit of the prohibitory clause of Section 497(1), Cr.P.C., wherein the grant of bail is a rule and its refusal an exception as held by Hon'ble Supreme Court of Pakistan in case of Muhammad Tanveer reported in PLD 2017 SC 733. The applicant has been behind bars since 09.09.2025 and is no longer required for further investigation

7. In view of the above, the applicant admitted on post-arrest bail, subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand Only), to the satisfaction of the learned trial Court.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.

JUDGE