

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-344 of 2025

Applicant: Aijaz alias Aijo s/o Muhammad Bux
Through Mr. Ghulam Shabbir Mari, Advocate.

Respondent: The State.
Through Mr. Ghulam Abbas Dalwani, D.P.G.

Crl. Bail Application No.S-345 of 2025

Applicant: Aijaz alias Aijo s/o Muhammad Bux
Through Mr. Ghulam Shabbir Mari, Advocate.

Respondent: The State.
Through Mr. Ghulam Abbas Dalwani, D.P.G.

Crl. Bail Application No.S-346 of 2025

Applicant: Aijaz alias Aijo s/o Muhammad Bux
Through Mr. Ghulam Shabbir Mari, Advocate.

Respondent: The State.
Through Mr. Ghulam Abbas Dalwani, D.P.G.

Date of hearing: 24.12.2025

Date of Order: 24.12.2025

O R D E R

Shamsuddin Abbasi, J: Through these Bail Applications, the applicant/accused seeks post arrest bail in Crime No.105/2025 for offence under sections 394, 397, 34 PPC of PS Shahdadpur; in Crime No. 106/ 2025 for offence under sections 324, 353, 398, 401, 34 PPC of PS Shahdadpur and in Crime No. 107/ 2025 for offence under section 24 of Sindh Arms Act, 2013 of PS Shahdadpur. It is pertinent to mention here that after dismissal of his bail plea by the learned Additional Sessions Judge, Shahdadpur, vide single order dated 28-04-2025, he has filed three post arrest bail applications bearing No.S-622, S-623 and S-624 of 2025, which were dismissed as not pressed vide order dated 15-08-2025 with direction to learned trial court to decide the case(s) of the applicant preferably within a period of three months under

intimation to this court. After lapse of directive period of three months, the applicant has filed instant bail applications.

2. Brief facts of the prosecution case are that on 18-04-2025 complainant Ehsan Ali alongwith his brothers/PWs Umaid Ali and Taj Muhammad were returning from Shahdadpur to their village, after purchasing articles on their motorcycle and when they reached at main street of village near Khizra Masjid at about 2000 hours, where they were intercepted by the applicant alongwith other accused and robbed cash of Rs.36,000/=, mobile phones and other articles from them on the show of weapon. During investigation of said crime, the applicant was arrested on 20-04-2025 at 2320 hours after police encounter and police recovered crime weapon from his possession and such F.I.Rs bearing Crime No. 106/ 2025 for offence under sections 324, 353, 398, 401, 34 PPC of PS Shahdadpur and Crime No. 107/ 2025 for offence under section 24 of Sindh Arms Act, 2013 of PS Shahdadpur were registered against him; hence these bail applications.

3. Learned counsel for the applicant submits that applicant is innocent and he has been falsely implicated in this case due to malafide intention and ulterior motives; that applicant has contracted free will marriage with Mst. Nisha d/o Hakim Ali Sanjrani and due to matrimonial enmity he has been falsely implicated in present case(s). He further submits that complainant Ehsan Ali and P.W Umaid Ali of F.I.R No.105/ 2025 of PS Shahdadpur, have filed no objection statement(s) alongwith supporting affidavit(s) for the grant of bail to the applicant; that recovery of mobile phone as well as pistol was foisted upon the applicant by the I.O in order to strengthen the case of robbery. Finally, he prayed for the grant of bail to the applicant.

4. On the other hand, learned D.P.G opposed for the grant of bail on the ground that applicant is nominated in the F.I.R with specific role and there is criminal history against the applicant and he is involved in 08 criminal cases.

5. Heard learned counsel for the applicant and learned D.P.G for the State and perused the material available on record.

6. Learned counsel for the applicant mainly contended that applicant has been acquitted from other cases and he was got injured in fake police encounter case and crime weapon has been foisted upon the applicant in order to strengthen main case otherwise alleged offence does not come within the ambit of prohibitory clause of section 497 Cr.P.C and principle in these cases is grant of bail and its refusal is exception as held in case law reported as *Muhammad Tanveer vs. The State* (P L D 2017 S C 733). So far case of police encounter is concerned; none from the police side has received any single scratch and applicant sustained fire shot injury at the hands of police, which requires proper inquiry in terms of section 497(2) Cr.P.C. Moreover, applicant has sustained fire arm injury which requires proper treatment, which is not possible inside jail. Cases have been challaned and applicant is no more required for further investigation. No purpose would be served to keep him in jail.

7. In view of above, instant three bail applications are allowed and applicant is admitted on post arrest bail subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each and a P.R Bond in the like amount in above case(s)/crime(s) to the satisfaction of learned trial court.

8. The observations made here-in-above are tentative in nature and would not prejudice the case of either party at the trial.

JUDGE

Saleem