HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-542 of 2026

Before
Mr. Justice Zulfiqar Ali Sangi

Applicant	:	1. Haq Nawaz s/o Attaullah Shah. 2. Haseebullah s/o Habibullah Barach Through Mr. Anwar Ali Brohi, Advocate.
Respondent	:	The State Through Mr. Ghulam Abbas Dalwani, D.P.G.
Date of hearing	:	16.11.2026
Date of Order	:	16.11.2026

O R D E R

Zulfiqar Ali Sangi, J: Through this application under Section 497 Cr.P.C., the applicants/accused seek post-arrest bail in Crime No.309/2026, registered at Police Station Shahdadpur, for an offence punishable under Section 412 PPC.

2. The prosecution case, in brief, is that on 09.09.2026, complainant ASI Fariyad Ahmed Arain, along with other police officials, while conducting routine patrolling and snap-checking near Sultan CNG Station, Hala Road, Shahdadpur, intercepted a white Suzuki Alto without registration number plates. Four persons allegedly alighted from the vehicle and attempted to escape; however, the police apprehended the present applicants, whereas two others managed to flee. Upon checking, the applicants were allegedly found carrying prohibited Gutka. During verification of the vehicle through its chassis number on the police Talash App, it transpired that the same was involved in Crime No.1045/2025, registered at Police Station Gadap City, Karachi, under Sections 392/397 PPC. Consequently, the present FIR was registered against the applicants and their absconding co-accused under Section 412 PPC.

3. Learned counsel for the applicants contended that they are innocent and have falsely been implicated; that no independent person was associated with the alleged recovery proceedings despite the availability of persons at the place of occurrence; that the applicants are neither nominated in the original robbery case

nor any material connects them with the commission thereof. It was further argued that no documentary evidence has been collected to establish their knowledge regarding the alleged stolen character of the vehicle and that the investigation has substantially been completed. Learned counsel also pointed out that the applicants have already been granted bail in the connected case registered under the Sindh Manufacturing, Storage and Sale of Gutka and Manpuri Act, 2019. He, therefore, prayed for their release on bail.

4. Conversely, learned DPG opposed the application, contending that the applicants were apprehended while exercising immediate control over a vehicle without registration number plates, which, upon verification of its chassis number, was found involved in a robbery case. It was further contended that the applicants failed to produce any document explaining their lawful possession of the vehicle and that the offence under Section 412 PPC falls within the prohibitory clause of Section 497 Cr.P.C. Dismissal of the application was accordingly sought.

5. I have heard learned counsel for the parties and examined the available record. Admittedly, the offence under Section 412 PPC falls within the prohibitory clause of Section 497(1) Cr.P.C., being punishable with imprisonment for life or rigorous imprisonment extending to ten years. The question, therefore, is whether the applicants have made out a case of further inquiry within the meaning of Section 497(2) Cr.P.C.

6. Tentatively, the prosecution has attributed a specific role to both applicants, who were allegedly apprehended at the spot after alighting from a Suzuki Alto without registration number plates. The vehicle was allegedly found connected with Crime No.1045/2025 of Police Station Gadap City, Karachi, registered under Sections 392/397 PPC. The absence of registration plates, the circumstances of nighttime interception, the alleged immediate possession and control of the vehicle, and the failure of the applicants to furnish any satisfactory explanation regarding its lawful acquisition or possession constitute incriminating circumstances which cannot be brushed aside at this stage.

7. The contention that the applicants were not nominated in the original robbery case is misconceived to the extent that the present accusation is not of committing the original robbery but of dishonestly receiving or retaining property transferred by dacoity, with knowledge or reason to believe regarding its character. Their alleged participation in the original occurrence is, therefore, not an essential prerequisite for attracting Section 412 PPC. Whether the prosecution ultimately establishes the requisite knowledge or reason to believe shall be determined by the trial Court after recording evidence. The objection regarding non-association of private mashirs and non-compliance with Section 103 Cr.P.C. may require examination at trial; however, such omission, by itself, does not render the entire prosecution case doubtful at the bail stage, particularly when the alleged recovery and interception were witnessed by police officials acting in the discharge of their official duties. Likewise, the registration of a separate FIR concerning recovery of Gutka and the subsequent grant of bail to the applicants in that case does not confer any automatic right to bail in the present case, which involves distinct allegations and different statutory ingredients.

8. The fact that the investigation has substantially been completed and the applicants are no longer required for further interrogation has also been considered. However, completion of investigation, by itself, is not sufficient to extend the concession of bail where the accusation falls within the prohibitory clause and the available material provides reasonable grounds connecting the accused with the commission of the alleged offence. At this stage, the prosecution material, when considered cumulatively, does not bring the case within the ambit of further inquiry under Section 497(2) Cr.P.C. Consequently, without expressing any opinion on the ultimate merits of the case, I am of the tentative view that the applicants have failed to make out a case for the grant of post-arrest bail. Accordingly, the instant bail application is dismissed.

9. The observations made herein are purely tentative in nature and shall not prejudice either party during the trial. The learned trial Court shall independently assess the evidence in accordance with law.

10. The application stands disposed of accordingly.

JUDGE