

## IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANO

Criminal Bail Application No. S-390 of 2025

Applicant : Meerhan @ Meerhan Khan s/o Ali Nawaz @  
Ali Nawaz Jaffery,  
Through Mr. Abdul Rehman Bhutto,  
Advocate

Respondent : The State  
Through Mr. Aitbar Ali Bullo, DPG.

Date of hearing : 31-07-2025  
Date of Judgment : 31-07-2025

### **ORDER**

**KHALID HUSSAIN SHAHANI, J.** – Applicant Meerhan @ Meerhan Khan Jaffery, seeks confirmation or otherwise of pre-arrest bail in a case bearing crime No.41/2025 of P.S. Tangwani, registered for offenses under Sections 402/399 PPC. This application follows the rejection of his bail plea by the learned Sessions Judge, Kashmore at Kandhkot, vide order dated June 17, 2025.

2. The prosecution story, as delineated in FIR posits that on May 26, 2025, at 1800 hours, Complainant H.C. Ahmed Khan Dahani, accompanied by subordinate staff on patrol, observed and identified the present Applicant alongside other co-accused, allegedly armed with Kalashnikovs. Upon the sighting of the police party, all accused individuals reportedly fled eastward. Subsequently, the complainant party proceeded to the Police Station to register the FIR on behalf of the State, asserting that the accused, armed with Kalashnikovs and handguns, had assembled with the intent to commit criminal activity and posed a danger on the road.

3. Learned counsel for the Applicant contends that the Applicant is innocent and has been falsely implicated by the

complainant party, purportedly to demonstrate efficiency within the police department. It is further submitted that no private person has been cited as a witness, with all witnesses in this case being police officials. The allegations against the Applicant are general in nature, no recovery has been effected from him, and all Prosecution Witnesses (P.Ws.) are police personnel. Therefore, the learned counsel prays for the confirmation of bail.

4. Conversely, the learned DPG for the State submits that the Applicant is explicitly named in the FIR and is alleged to be a member of a dacoit gang operating across District Kashmore, actively involved in committing robberies. He argues that the prosecution witnesses have corroborated the complainant's version in their statements recorded under Section 161 Cr.P.C. The D.P.G. further contends that Section 399 P.P.C. prescribes punishment extending up to ten years, while Section 402 P.P.C. provides for punishment up to seven years, thus asserting that the Applicant is not entitled to the grant of pre-arrest bail.

5. Admittedly, the FIR appears to be predicated solely upon the account of police officials, with a conspicuous absence of any independent witness. Furthermore, no specific role or overt act is attributed to the Applicant beyond his alleged presence at the scene, and no recovery whatsoever has been made from him. It is pertinent to note that co-accused Saddam Hussain has already been granted post-arrest bail in this very case. In comparison, the Applicant's case for bail is arguably on a stronger footing given the lack of specific evidence. While the offenses alleged are serious in their nature, they do not, in the instant circumstances, fall within the prohibitory clause for the grant of bail. A deeper appreciation of the evidence at this nascent stage is neither warranted nor permissible. Prima facie, the

Applicant has successfully demonstrated a plausible case for the confirmation of his bail.

6. In light of the aforementioned circumstances, it is observed that the Applicant has established a valid ground for the grant of pre-arrest bail. Consequently, the present bail application is hereby allowed, and the pre-arrest bail already granted to the Applicant on July 18, 2025, is hereby confirmed on the same terms and conditions. The Applicant is further directed to cooperate fully with the ongoing investigation and participate diligently in the trial as mandated by law.

7. It is pertinent to clarify that the observations made herein are of a tentative nature and shall not, in any manner, prejudice or influence the trial court during the ultimate adjudication of the case.

**J U D G E**

Asghar Altaf/P.A