

HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Criminal Bail Applications No.S-817 & 818 of 2025
[Muhammad Qasim alias Baboo & another vs. The State]

Applicants	Muhammad Qasim alias Baboo and Allah Bux: Through Mr. Bashir Ahmed Talpur advocate
Complainant	Noor Muhammad: Through Mr. Atif Imran Khowaja advocate
The State	Through Ms. Sana Memon Assistant P.G
Date of hearing	03.09.2025
Date of Order	____.09.2025

ORDER

TASNEEM SULTANA J: - Through this common order, I intend to decide the bail applications moved by the applicants in (i) Crime No. 91 of 2025 registered under Sections 385, 506(ii), 34, later supplemented by Section 387 PPC at Police Station Pangrio, District Badin, and (ii) Crime No. 92 of 2025 registered under Section 23(1)(a), 25 of the Sindh Arms Act, 2013 at the same police station. Earlier their bail pleas for the same relief have been declined by the trial Court vide Orders dated 15.07.2025.

2. Brief facts as per prosecution case in Crime No. 91 of 2025, are that on 26.06.2025 at about 08:00 a.m. the complainant, while present at his land, allegedly noticed a black flag affixed with a chit demanding Rs.200,000/-, patka, a Rado wristwatch and five packets bullets, coupled with threats of murder in case of non-payment. It is further alleged that later the same day at about 04:30 p.m. the applicants Muhammad Qasim alias Baboo son of Abdullah, armed with pistol, and Allah Bux son of Abdullah, armed with hatchet, along with co-accused Rizwan son of Muhammad Qasim, appeared at the land, repeated the demand and extended threats of dire consequences. In Crime No. 92 of 2025 it is alleged that on 29.06.2025 at about 05:00 p.m., during investigation of Crime No.91 of 2025, applicant Muhammad Qasim alias Baboo was apprehended near Werha stop on

Wango road and from his possession one 30-bore pistol with magazine and two live rounds was allegedly recovered. The weapon was secured and forwarded for ballistic examination on 04.07.2025, the report whereof is still awaited.

3. Learned counsel for the applicants contended that they are innocent and have been falsely implicated on account of admitted hostility between the parties over crops and livestock; that in Crime No. 91 the incident is alleged to have occurred at 08:00 a.m. yet the FIR was lodged at 1630 hours, i.e. after an unexplained delay of more than eight hours, though the police station is situated nearby; that such delay casts doubt and the allegations regarding the chit and threats require evidence during trial; that even with the addition of section 387 PPC, the case does not fall within the prohibitory clause of section 497 Cr.P.C. As regards Crime No. 92, learned counsel submitted that the alleged weapon has already been secured, was forwarded for ballistic examination on 04.07.2025, and the report is still awaited; that the investigation stands completed, further custody of the applicant is not required, and the case calls for further inquiry.

4. The complainant also appeared through his counsel and recorded his no objection for grant of bail to the applicants.

5. Conversely, learned APG opposed the applications, and submitted that the applicants are nominated with specific roles in both cases; that serious allegations of demand and threats have been levelled in Crime No. 91; and that a pistol was recovered from Muhammad Qasim in Crime No. 92, hence they do not deserve the concession of bail.

6. It reflects from the record that in Crime No. 91 of 2025 the allegation against the applicants Muhammad Qasim alias Baboo (armed with pistol) and Allah Bux (armed with hatchet), along with co-accused Rizwan, is that in the morning of 26.06.2025 a black flag affixed with a chit was found near the complainant's land demanding money and articles with threats of murder, and that later in the day the applicants allegedly appeared and repeated the demand and threats. These allegations, by their nature, require evidence during trial. Whether the chit was in fact authored and affixed by the applicants and whether threats

were extended in the manner alleged would be determined at trial after recording evidence. The FIR was lodged after more than eight hours of the alleged incident though the police station is situated at a short distance, which delay remains unexplained and prima facie suggests deliberation and consultation. The hostility between the parties over crops and livestock also cannot be ignored. Moreover, although section 387 PPC was subsequently added, the maximum punishment provided is seven years and the case does not fall within the prohibitory clause. These features, taken together, prima facie bring the case within the ambit of further inquiry under section 497(2) Cr.P.C.

7. It has been held by the Honorable Supreme Court of Pakistan in case of *Zaigham Ashraf versus The State and others (2016 SCMR 18)* that;

“To curtail the liberty of a person was a serious step in law, therefore, the judges should apply judicial mind with deep thought for reaching at a fair and proper conclusion albeit tentatively--- Such exercise should not be carried out in vacuum or in a flimsy and casual manner as that would defeat the ends of justice because if the accused charged, was ultimately acquitted at the trial then no reparation or compensation could be awarded to him for the long incarceration, as the provisions of Criminal Procedure Code and the scheme of law on the subject did not provide for such arrangements to repair the loss, caused to an accused person, detained in jail without just cause and reasonable grounds.”

8. It further reflects from the record that in Crime No. 92 of 2025 the allegation is that applicant Muhammad Qasim alias Baboo was apprehended on 29.06.2025 and from him one 30-bore pistol with two rounds was allegedly recovered. Whether such recovery was in fact effected from his possession and what evidentiary value attaches to it are matters which, on tentative assessment, require proof at trial and cannot be determined at bail stage. The weapon has already been secured, was forwarded for ballistic examination on 04.07.2025, and the report is still awaited. Investigation on this aspect stands completed, and further custody of the applicant is not required. These features, on prima facie view, also make out a case of further inquiry as contemplated by section 497(2) Cr.P.C.

9. For the foregoing reasons, both bail applications are allowed. Applicants Muhammad Qasim alias Baboo son of Abdullah and Allah Bux son of Abdullah are admitted to post-arrest bail in Crime Nos. 91 and 92 of 2025, subject to their

furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each with P.R. bond in the like amount to the satisfaction of the trial Court in each crime.

10. The above observations are tentative in nature and shall not prejudice the trial.

JUDGE