

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

Criminal Bail application No.S-640 of 2025

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Applicant : Sajjad s/o Atta Muhammad through Mr. Irfan Ali Khaskheli, advocate.

Respondent : The State, through Mr. Irfan Ali Talpur, Deputy Prosecutor General, Sindh.

Date of hearing : **18.09.2025**

Date of order : **18.09.2025**

ORDER

TASNEEM SULTANA, J.- Through captioned bail applications, the applicant/accused Sajjad seeks post-arrest bail in Crime Nos.55, 56, and 57 of 2025 registered at Police Station Sakrand under Sections 395, 397, 324, 353, and 23(i)(a) of the Sindh Arms Act, 2013. Since all the captioned bail applications are interlinked to each other as such same are being decided through this common order.

2. The facts, in brief, are that on 09.02.2025 at about 5:00 a.m., a Mazda truck loaded with banaspati ghee, bearing registration No. JU-0077, was intercepted near ATI Farm Stop by six armed assailants clad in black. The driver Noor Muhammad Rind was overpowered at gunpoint and the vehicle along with its goods was forcibly taken away. The driver and owner, despite advice, refrained from lodging FIR, which constrained the police to register on behalf of the State under Sections 395 and 397 PPC against unknown culprits.

3. Subsequently, on the same day, police party acting on spy information apprehended the applicant Sajjad and others after an encounter, recovered the robbed Mazda truck with goods, a pistol, and crime empties from the spot, and registered Crime Nos.55, 56, and 57 of 2025 under the above provisions of law.

4. Learned counsel for the applicant contended that the applicant has been falsely implicated due to political rivalry; that no independent person was associated as mashir; that the alleged encounter was a police-managed affair as no injury was caused to the police party; that the delay in lodging FIR was fatal to the prosecution case; that nothing incriminating was recovered from the direct possession of the applicant; that the alleged recoveries are foisted; that the

offences do not fall within the prohibitory clause in their true spirit; that continued incarceration of the applicant would serve no useful purpose as the trial is likely to take considerable time; and that in any case the matter calls for further inquiry within the meaning of Section 497(2) Cr.P.C. Reliance was placed upon *2025 PCr.LJ 517* and *2020 MLD 1466*.

5. Conversely, the learned APG opposed the grant of bail. He contended that the applicant was apprehended red-handed and police recovered robbed vehicle alongwith loaded goods and an unlicensed pistol from the possession of the applicant; that the positive forensic report connects the weapon with empties secured from the place of occurrence; that the delay in lodging FIR stood explained, as private complainants were reluctant, compelling the police to register the case on behalf of the State; that PW Noor Muhammad, the driver of Mazda JU-0077, in his statement under Section 161 Cr.P.C. implicated the present applicant; that PW Jahangeer, the helper driver of the said vehicle, was also present at the time of incident and fully supported the version of PW Noor Muhammad; that PW Meer Muhammad, the owner of the Mazda, also corroborated the prosecution case; He prayed for dismissal of the application.

6. Heard. Record perused.

7. At the stage of bail, this Court is required only to make a tentative assessment of the material available and is not supposed to undertake a deeper appreciation of evidence. The question is whether reasonable grounds exist to believe that the accused is connected with the commission of the alleged offences; proof beyond reasonable doubt is a matter for trial.

8. It reflects from the record that the applicant was apprehended red-handed. It further reflects that the recovery of the robbed Mazda truck along with loaded goods and an unlicensed pistol from his possession within hours of the occurrence, duly identified by its driver and owner, together with the positive forensic report matching the empties with the pistol, provides prima facie corroboration of his involvement, and such recoveries at this stage cannot be brushed aside.

9. It is now well-settled law that at the bail stage only a bird's eye view of evidence is taken into consideration while deeper appreciation of evidence is not permissible, therefore, accused is required to establish a case of further inquiry. Of course, if it appears to the Court at any stage of trial that there are no reasonable grounds for believing that the accused had committed a non-bailable offence and there are sufficient grounds for further inquiry into his guilt, the accused shall be released on bail. While exercising such discretion, the Courts

must always satisfy its conscience between existence or non-existence of 'reasonable grounds' to believe link of accused with offence, particularly when offence is falling within prohibitory clause. In every criminal case some scope for further inquiry into the guilt of accused exists, but on that consideration alone it cannot be claimed by the accused as a matter of right that he is entitled to bail. For bringing the case in the ambit of further inquiry, there must be some prima facie evidence, which on the tentative assessment, are sufficient to create doubt with respect to involvement of accused in the crime. In *Iqbal Hussain v. Abdul Sattar* (PLD 1990 SC 758) while setting aside the bail granting order of the High Court, the Court referred to the tendency in courts to misconstrue the concept of further enquiry and held as follows:

"It may straightaway be observed that this Court has in a number of cases interpreted subsection (2) of section 497 Cr.P.C which, with respect, has not been correctly understood by the learned Judge in the High Court. We hope it has been properly applied in this case. While we believe that it was a case of further inquiry which element, as it has been observed in number of times in many cases, would not entitle an accused to bail as of right. The main consideration on which the accused becomes entitled to be released under the said subsection is a finding, though not final, but tentative, arrived at by the court in respect of the merits of the case. If such finding or tentative assessment does avoid rendering some prima facie opinion, then on merits as is mentioned in subsection (2) of section 497 Cr.P.C, and relied only on the condition of further inquiry. This approach is not warranted by law. Hence, the case not being covered by subsection (2) of section 497 Cr.P.C, the respondent was not entitled to bail thereunder as of right."

10. Each case has its own foundation of facts, therefore, it is not possible to put each and every case in the cradle of further inquiry to provide relief to accused by releasing on bail merely by repeating words of further inquiry or raising presumptions and surmises but such consideration must remain confined to tentative assessment of available material only.

11. The contention that all mashirs are police officials is also of no avail at the bail stage. It is a matter of common occurrence in such operations that recoveries are witnessed by police personnel present at the scene. Unless mala fide or serious contradictions are shown, which is a matter for trial, their statements cannot be discarded merely due to official status.

12. The defence plea of false implication due to political rivalry is a matter for trial and cannot outweigh the incriminating material presently available. Unless the evidence is inherently incredible, which is not the case here, it cannot be disregarded. Prima facie, the recoveries of the robbed truck, goods, and unlicensed pistol, duly supported by mashirnamas and forensic corroboration, provide strong grounds connecting the applicant to the offences.

13. For these reasons, the bail applications filed by the applicant/accused Sajjad in Crime Nos.55, 56, and 57 of 2025 are dismissed. However, the learned trial Court shall proceed expeditiously and decide the cases within the shortest possible time without unnecessary adjournments.

14. The observations made hereinabove are tentative in nature and shall not prejudice the trial Court at the stage of final determination.

J U D G E

Irfan Ali