

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail Appln. No. S – 118 of 2026

Applicant : Sudheer s/o Allah Jurio, by caste Mari
Through Mr. Mashooque Ali Ghanghro,
Advocate

The State : Through Mr. Mansoor Ahmed Shaikh, DPG

Cr. Bail Appln. No. S – 149 of 2026

Applicant : 1) Shoukat S/o Muhammad Iqbal, Rajper
2) Deedar S/o Muhammad Iqbal, Rajper
Through Mr. Illahi Bux Jamali, Advocate

The State : Through Mr. Mansoor Ahmed Shaikh, DPG

Date of hearing : 12.03.2026
Date of order : 12.03.2026

ORDER

KHALID HUSSAIN SHAHANI, J.— Both captioned applications, arising from a common occurrence registered vide FIR No.125/2025, for offence under Section 395 PPC, registered at P.S. Bhiria City, District Naushahro Feroze, are disposed of through this consolidated order, the factual matrix and legal questions being identical in both matters.

2. The prosecution's case, as reflected in the FIR, is that in the intervening night of 11.08.2025 at about 12:30 a.m, the present applicants, in concert with co-accused, perpetrated a dacoity upon chowkidars posted at an under-construction Rescue 1122 hospital, allegedly making off with iron rods, electrical coils, a generator, a motorcycle, a water motor, and six mobile phones, aggregating approximately Rs.3,380,000/-.

3. Learned counsel for the applicants assailed the prosecution case on several grounds: the FIR was lodged after an unexplained delay of thirteen days; the complainant is admittedly not an eye-witness to the occurrence; visual identification of the accused at 12:30 a.m. under

artificial light is inherently unreliable; no incriminating recovery has been individually attributed to any of the applicants; the alleged joint recovery of iron rods pertains to a commodity of generic description, devoid of any distinguishing feature; and co-accused Allah Dino and Muhammad Aalim stand admitted to post-arrest bail, the latter by this Court vide order dated 29.01.2026, entitling the present applicants to the rule of parity. It was further submitted that the applicants are no longer required for purposes of investigation.

4. Learned DPG assisted by learned counsel for complainant opposed the applications on the ground that the applicants are nominated in the FIR, are connected with recoveries, and are alleged participants in a grave non-bailable offence.

5. Upon hearing learned counsel for the respective parties and examining the record, this Court finds that the prosecution case, at this juncture, is beset with material infirmities: the unexplained delay of thirteen days in lodging the FIR erodes its evidentiary weight; the complainant's absence from the scene undermines direct attribution; nocturnal identification under electric light without corroboration renders the same doubtful; and the joint recovery of iron rods, a commodity of commonplace commercial availability does not, without more, constitute a legally efficacious recovery individually implicating any applicant. No material has been placed on record to apprehend that the applicants, if released, would obstruct the course of justice or abscond. The case, therefore, attracts the jurisdiction of the Court under Section 497(2) Cr.P.C, being one of further inquiry.

6. The principle of parity operates with equal force. Co-accused Muhammad Aalim was admitted to bail by this Court on 29.01.2026 upon

materially similar circumstances; no intelligible differentiating factor justifies disparate treatment of the present applicants.

7. Consequently, applicants Sudheer, Shoukat, and Deedar are admitted to post-arrest bail upon each furnishing a solvent surety and personal recognizance bond in the sum of Rs.100,000/- (Rupees One Hundred Thousand) each, to the satisfaction of the learned trial court.

8. It is unequivocally clarified that all observations hereinabove are of a tentative character, rendered solely for the purpose of adjudicating the question of bail, and shall neither be construed as an expression of opinion on the merits nor in any manner fetter the independent adjudication of the trial court. Office is directed to place a signed copy of this order in the connected captioned matter.

J U D G E