

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No. S-219 of 2026
[Jani alias Yousif vs. The State]

Applicant : Jani alias Yousif, *through*
Mr. Illahi Bux Jamali, Advocate

Complainant : *Nemo*

Respondent : The State, *through*
Mr. Muhammad Raza Katohar,
Deputy Prosecutor General

Date of hearing : 25.05.2026
Date of decision : 25.05.2026

ORDER

Ali Haider 'Ada', J.- Through the instant criminal bail application, the applicant/accused seeks post-arrest bail in FIR No. 26 of 2026, registered at Police Station Halani, District Naushahro Feroze, for offences punishable under Sections 379, 337-J and 34 PPC. Earlier, the applicant approached the learned Additional Sessions Judge, Kandiaro, for the same relief; however, his bail application was declined vide order dated 25.02.2026.

2. The prosecution case, in brief, is that on 25.01.2026, the complainant along with his friends, namely Aslam Ali and Intizar Ali, went to Halani Cattle Market for the purpose of purchasing cattle. At about 11:00 a.m., accused Allah Bux along with other co-accused, including the present applicant, allegedly met them and offered tea at hotel. It is alleged that after consuming the tea, Aslam Ali became unconscious and was shifted to the hospital, where he allegedly disclosed that accused Allah Bux had administered intoxicant to him and, thereafter, took away an amount of Rs.10,00,730/- (Rupees Ten Lac Seven Hundred Thirty only) from his pocket. It is further alleged that the complainant party initially approached

respectable persons of the locality for resolution of the matter, however, after being kept on false assurances and promises, the complainant ultimately lodged the instant FIR.

3. Learned counsel for the applicant contended that the applicant is innocent and has falsely been implicated in this case due to a dispute over landed property between the parties. He further argued that there is an unexplained delay of about twelve days in registration of the FIR, which creates serious doubt regarding the truthfulness of the prosecution story. Learned counsel further submitted that no specific role has been attributed to the present applicant and his mere presence at the place of occurrence has been shown in the FIR without assigning any overt act. He further contended that the applicant has remained behind bars since his arrest and no useful purpose would be served by his continued incarceration. According to learned counsel, the case of the applicant falls within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C. In support of his contentions, reliance is placed upon cases reported as 2016 P.Cr.L.J Note 41, 2004 MLD 225, 2005 YLR 663, *Muhammad Tanveer v. The State* (PLD 2017 Supreme Court 733), 2020 YLR 1856 and 2022 P.Cr.L.J 370.

4. Despite issuance of notices, the complainant did not turn up to contest the matter; therefore, learned Deputy Prosecutor General is heard, who opposed the bail application on the ground that the name of the present applicant specifically transpires in the FIR along with co-accused persons.

5. I have heard learned counsel for the parties and perused the material available on record.

6. Tentatively, it appears from the record that although the prosecution alleged administration of intoxicant through tea,

yet neither the owner of the hotel nor any waiter/server of the said hotel has been associated with the investigation either as an accused or even as a prosecution witness, which prima facie creates doubt in the prosecution case. Furthermore, no medical examination appears to have been placed on record, in respect of the alleged administration of intoxicant to the injured person. Therefore, at this stage, the allegation regarding administration of intoxicant requires further enquiry.

7. It further appears that the offence under Section 337-J PPC and the actual role of the applicant can only be determined after recording of evidence before the learned trial Court. In this regard, reliance may be placed upon *Amjad and another v. The State* (2020 YLR 1856).

8. Moreover, there is an admitted delay of about twelve days in lodging the FIR, for which no plausible explanation has been furnished by the prosecution. It is settled law that an unexplained delay in the registration of FIR creates doubt regarding the prosecution's story, and such a benefit, at this tentative stage, is to be extended in favour of the accused. In this regard, reliance is placed upon *Mazhar Ali vs The State* 2025 SCMR 318.

9. Keeping in view the above facts and circumstances, the applicant has succeeded in making out a case for grant of post-arrest bail falling within the ambit of further inquiry under Section 497(2), Cr.P.C. Accordingly, the instant bail application is allowed and the applicant is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) along with P.R. bond in the like amount, to the satisfaction of the learned trial Court. Needless to observe that the findings recorded hereinabove are purely tentative in nature and shall not prejudice or influence the learned trial Court while deciding the case on merits.

JUDGE