

**IN THE HIGH COURT OF SINDH, BENCH AT
SUKKUR**

*Criminal Bail Application No. S-414 of 2026
[Shahzado and another vs. The State]*

Applicants : Shahzado and Abdul Sattar, *through*
Mr. Muhammad Yaseen Khaskheli,
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 a captioned criminal bail application, applicants Shahzado son of Bashir and Abdul Sattar son of Nawaz Ali, seek post-arrest bail in FIR No.44/2026, registered at P.S Sorah, District Khairpur, for the offence punishable under Section 379 PPC. Earlier, they approached before the learned 1st Additional Sessions Judge-MCTC (Khairpur), with the same plea, but it was declined, vide order dated 23.04.2026.

2. The crux of the prosecution case in a nutshell is that complainant Ghulam Mustafa has registered the aforementioned FIR on 01.04.2026 at 1600 hours, mentioning therein that on the same day at about 0300 hours, the present applicants/ accused, along with co-accused, stole the conductor and cables from penal and on seeing complainant party, they made escape good.

3. Learned counsel for the applicants contends that the applicants are innocent and they have been falsely implicated in this case. He also argued that there is an unexplained delay of about 13 hours in the lodging of the FIR, which casts serious doubt on the veracity of the prosecution's story. He further submits that the instant FIR has been registered with a malicious intention due to annoyance on the demand of applicants to open their salaries.

Moreover, the applicants are behind the bar since 02.04.2026 and they are not require for further enquiry or investigation. In these circumstances, the case against the applicants calls for further inquiry within the meaning of Section 497(2), Cr.P.C. Lastly he prays that the applicants may be admitted to post-arrest bail.

4. The notices were issued to the complainant, but no one is in attendance from the complainant's side. The learned Deputy Prosecutor General argues the matter. Learned Deputy Prosecutor General opposed the bail application, contending that the names of the applicant transpired in the FIR with a specific role of stealing articles as mentioned in the FIR.

5. Heard and perused the material available on record.

6. As per the material available on record, it transpires that the FIR was not lodged promptly, and there appears to be a delay of about 13 hours in registration of the same, for which no plausible explanation has been furnished by the prosecution. Such a delay, at least tentatively, creates doubt regarding the veracity of the prosecution's story.

7. Furthermore, the offence punishable under Section 379 PPC does not fall within the prohibitory clause of Section 497, Cr.P.C. It is by now well-settled that in offences not falling within the prohibitory clause, the grant of bail is a rule, whereas refusal is an exception. In this regard, reliance is placed upon the case of *Munwar Bibi v. The State* (2023 SCMR 1729).

8. Keeping in view the above facts and circumstances, the applicants have succeeded in making out a case for the grant of post-arrest bail. Accordingly, the instant bail application is allowed, and the applicants are admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each, 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 of the applicants on merits.

JUDGE