

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Criminal Bail Application No.S-80 of 2026

Applicant : Muhammad Laique son of Trooh
Khatiyani, *through* Mr. Farhat Ali
Bugti, Advocate.

Complainant : Khan Muhammad son of Shafi
Muhammad Kandhro. (*Nemo*)

The State : *Through* Mr. Nazeer Ahmed
Bangwar, Deputy Prosecutor
General.

Date of Hearing : 04.06.2026.
Date of Order : 04.06.2026.

ORDER

Ali Haider 'Ada' J:- Through this bail application, the applicant/accused seeks the concession of post-arrest bail in Crime No. 02 of 2026, registered at Police Station Fareedabad, District Dadu, on the first information of Khan Muhammad on 04.01.2026, for an offence punishable under Section 397, P.P.C.

2. Briefly stated, the prosecution case is that the complainant, along with his witnesses, was travelling in a truck when the present applicant/accused, along with his co-accused, allegedly committed robbery at gunpoint. During the incident, cash amount and mobile phones were allegedly snatched from the complainant party. After completion of the usual investigation, the challan was submitted before the competent Court of law. The prosecution further relies upon FIR No. 04 of 2026 registered at the same Police Station, wherein the present applicant/accused was allegedly involved in a police encounter. It is the case of the prosecution that upon his arrest, the alleged crime weapon as well as one of the robbed mobile phone was also recovered from his possession. The incidents relating to the police encounter, recovery of weapon, and recovery

of the mobile phone were separately reported through Crime Nos. 04 and 05 of 2026.

3. Learned counsel for the applicant/accused contends that there is an unexplained delay in the registration of the FIR, as the alleged incident took place on 28.12.2025, whereas the FIR was lodged on 04.01.2026. According to the learned counsel, the applicant has been falsely implicated due to his alleged enmity with the police. He further argues that no robbed cash amount was recovered from the applicant and that the alleged recovery of a mobile phone is a matter which requires determination during trial. He also points out that the truck in question has not been taken into possession as case property by the prosecution. Learned counsel submits that the case calls for further inquiry within the meaning of Section 497(2), Cr.P.C, and therefore the applicant is entitled to the concession of bail. He further argues that the applicant has remained behind bars for the last four to five months and that in the off-shoot case, he has already been granted bail.

4. Conversely, learned Deputy Prosecutor General, Sindh, opposes the bail application and submits that the applicant has been specifically nominated in the FIR with an active role. He contends that the delay in lodging the FIR is reasonably explained by the circumstances under which the robbery was committed while the complainant party was travelling in the truck, and such delay by itself is not sufficient to discredit the prosecution case at this stage. He further submits that one of the robbed mobile phone was recovered from the possession of the applicant and that the crime weapon was also secured from him. Therefore, sufficient incriminating material is available on record connecting the applicant with the commission of the offence, and as such he is not entitled to the concession of post-arrest bail.

5. Heard learned counsel for the parties and perused the material available on record.

6. The principal argument advanced by the learned counsel for the applicant is that the applicant has been falsely implicated on account of his alleged enmity with the police. It is a settled principle that enmity is a double-edged weapon; on the one hand, it may provide a motive for an accused to commit an offence, while on the other hand, it may furnish a reason for false implication. However, in the present case, the plea of enmity has been raised in a bald and general manner. Significantly, the complainant of the present case is a private person and not a police official. No material has been brought on record to demonstrate the existence of any prior enmity between the complainant and the applicant which could suggest a motive for his false implication in the case.

7. At the bail stage, the Court is only required to tentatively assess the material available on record without entering into the deeper appreciation of evidence, which is the exclusive domain of the trial Court. In the present case, the applicant has been specifically nominated in the FIR with the allegation that he, along with his co-accused, participated in the occurrence of robbery. The record further reveals that the applicant is alleged to have actively participated in the commission of the robbery whereby cash amount and a mobile phone were snatched from the complainant at gunpoint. The occurrence was witnessed by the complainant and other prosecution witnesses, who prima facie appear to have no previous enmity or ulterior motive against the applicant to falsely implicate him in such a serious offence. At this tentative stage, the material available on record is sufficient to form reasonable grounds for believing that the applicant is connected with the commission of the offence. Consequently, the case of the applicant does not appear to call for further inquiry.

8. In support of the above view, reliance is placed upon the cases of *Muhammad Hussain v. The State* (2023 PCr.L.J. Note 30), *Aqeeb Ali Mehmood v. The State* (2017 PCr.L.J. Note 129), *Muhammad Ismail alias Allah Ditta v. The State* (2015 MLD 677), *Muhammad Rashid v. The State* (2013 MLD 1282), *Waqar Ali alias Boadi v. The State* (2012 YLR 2374), *Muhammad Nasir Iqbal v. The State* (2012 PCr.L.J. 804), *Waqar Ali alias Boadi v. The State* (2012 YLR 2061), *Rashid v. The State* (2012 YLR 1099), *Muhammad Aneeq v. The State* (2012 MLD 581), *Muhammad Iqbal alias Iqbal Jatoi v. The State* (2011 YLR 2031), *Fakharuddin Qundrani v. The State* (2010 YLR 1399), *Azim Khan v. The State* (2010 YLR 2917), *Rasheed Ahmed v. The State* (2010 PCr.L.J. 398), *Farooq v. The State* (2010 MLD 1868), *Najeeb Ullah v. The State* (2010 MLD 1860), *Ashfaq alias Shakoo v. The State* (2009 PCr.L.J. 889), *Riazat v. The State* (2009 YLR 1189), and *Muhammad Tahir v. The State* (2006 MLD 1517), wherein under similar circumstances the concession of bail was declined.

9. For the foregoing reasons and discussion, I am of the tentative view that the applicant has failed to make out a case for the grant of the concession of post-arrest bail. Consequently, the instant bail application is hereby dismissed. Needless to observe that the findings recorded herein are purely tentative in nature and shall not influence the learned trial Court while deciding the case on merits. The trial Court shall proceed independently and conclude the trial strictly in accordance with law.

JUDGE