

# IN THE HIGH COURT OF SINDH AT KARACHI

## **Criminal Bail Application No.827 of 2026**

Applicant : Jan Muhammad Dars, Through  
Mr. Muhammad Sharif Dars,  
advocate

The State : The State through Mr. Sharaf-ud-Din  
Kanhar, A.P.G., Sindh

Date of hearing : 20.05.2026

Date of Order : 20.05.2026

### ORDER

**Jan Ali Junejo, J:--** The applicant, namely Jan Muhammad son of Suleman Dars, has sought post-arrest bail under Section 497, Cr.P.C. in Crime No.36 of 2026, registered at Police Station Mirpur Sakro, District Thatta, for offences punishable under Sections 392, 397 and 34, P.P.C. The applicant calls in question the order dated 05.03.2026 passed by the learned 1st Additional Sessions Judge, Thatta, whereby his post-arrest bail application was declined.

2. Briefly stated, the prosecution case as reflected in the F.I.R. is that on 24.02.2026 at about 10:00 a.m., the complainant Safail son of Yousif Brohi along with his nephew Ali Sher was travelling on a motorcycle from Gharo towards Mirpur Sakro. Upon reaching near Musqat Sim Nali, they allegedly found four accused persons standing on the road, one armed with a T.T. pistol and the remaining carrying sticks. It is alleged that the accused forcibly stopped the complainant party, and accused Mola Bux, at gunpoint, deprived the complainant of cash amounting to Rs.2,500/-, while the present applicant allegedly took away the complainant's motorcycle.

The accused thereafter fled from the scene. The F.I.R. was lodged on 27.02.2026 under Sections 392, 397 and 34, P.P.C.

3. Learned counsel for the applicant contended that the applicant is innocent and has falsely been implicated in the present case. He argued that the F.I.R. was lodged with an unexplained delay of about three days, which casts serious doubt upon the prosecution story. It was further submitted that the applicant was allegedly picked up by police prior to the registration of the case and was already in detention, for which a constitutional petition regarding his alleged disappearance had been filed before this Court. Learned counsel further argued that the alleged recovery is disputed and requires deeper appreciation of evidence which is beyond the scope of bail proceedings. He maintained that the applicant has no previous criminal record, the case calls for further inquiry within the meaning of Section 497(2), Cr.P.C., and prayed that the applicant be admitted to post-arrest bail.

4. Conversely, learned A.P.G. opposed the bail application and submitted that the applicant is specifically nominated in the F.I.R. with an active role of snatching the complainant's motorcycle. He argued that the complainant and eye-witness have supported the prosecution case during investigation and that the motorcycle was recovered during the course of investigation. According to the learned A.P.G., sufficient incriminating material is available connecting the applicant with the commission of the offence; therefore, he is not entitled to the concession of bail and the application is liable to be dismissed.

5. I have heard learned counsel for the parties and have examined the available record with their assistance. The admitted position emerging from the record is that the alleged occurrence took place on 24.02.2026, whereas the F.I.R. was lodged on 27.02.2026. Prima facie, there is a delay of about three days in setting the criminal law into motion. The F.I.R. and accompanying material do not satisfactorily explain such delay. It is a settled principle of law that unexplained delay in lodging the F.I.R. may adversely affect the credibility of the prosecution version and, at the bail stage, can constitute a circumstance creating doubt requiring further inquiry.

6. It is also noteworthy that the role attributed to the present applicant is that of taking away the motorcycle, whereas the allegation of use of firearm is specifically assigned to co-accused Mola Bux. Whether the applicant participated in the occurrence in the manner alleged by the prosecution and whether the prosecution version is free from doubt are questions which can only be conclusively determined after recording evidence at trial. Furthermore, the plea raised by the defence regarding the applicant's alleged prior detention before his formal arrest and the circumstances surrounding his arrest are matters which require evidence for their proper adjudication. At this tentative stage, such aspects cannot be finally resolved and, therefore, add to the element of further inquiry.

7. It is by now a settled proposition of law that while deciding a bail application, the Court is not required to conduct a deeper appreciation of evidence or record findings touching upon the merits of the case. The material presently available on record, viewed tentatively, reflects circumstances requiring further probe and inquiry. The guilt or innocence of the applicant shall ultimately be determined by the learned trial Court after recording evidence.

8. For the foregoing reasons, and without making any observation which may prejudice either side at the trial, the case of the applicant appears to fall within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C. Consequently, the instant Criminal Bail Application is allowed and applicant Jan Muhammad son of Suleman Dars is admitted to post-arrest bail in Crime No.36 of 2026, under Sections 392, 397 and 34, P.P.C., registered at Police Station Mirpur Sakro, District Thatta, subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court. It is clarified that the observations made hereinabove are tentative in nature and shall not prejudice the final outcome of the trial. These are the detailed reasons of the Short Order dated: 20.05.2026.

**JUDGE**