

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Cr. Bail Application No. S-182 of 2026

Applicant: Ramzan s/o Babu through Mr. Abdul Hafiz Mari, advocate.

Complainant: Abdul Ghani through Mr. Dhanesh Kumar Malhi, advocate.

Respondent: The state through Mr. Ghulam Abbas Dalwani, learned D.P.G.

Date of Hearing: 10.07.2026

Date of Order: 10.07.2026

O R D E R

Khalid Hussain Shahani, J:- Applicant Ramzan seek post-arrest bail in connection with Crime No.08/2026, registered under Sections 395, 342 and 34 of the Pakistan Penal Code at Police Station Phulladiyoon, his earlier application for the self-same relief having been declined by the learned Additional Sessions Judge-I, Mirpurkhas, vide order dated 14.04.2026.

2. The prosecution's version, as it emerges from the First Information Report, reveals that the complainant, functioning as Manager of a petrol pump owned by one Chohit Ram Malhi at Girhore Sharif, was present on duty on 02.03.2026 at about 0100 hours, in the company of his subordinates Akash Kumar and Rafique Kunbhar. At the material time, five unidentified assailants, mounted on two motorcycles and brandishing firearms, descended upon the petrol pump, overpowered the complainant and his companions, bound their hands and feet, and confined them within a room. The culprits thereupon wrested the keys of an almirah kept therein and decamped with a sum of

Rs: 4,900,000/ together with the complainant's Q Mobile handset, a Vivo touch-screen device belonging to Akash Kumar, and a Tecno touch-screen device belonging to Rafique Kunbhar. Relief arrived only at about 0430 hours, when a customer, alerted by their cries of distress, released the confined trio, who thereafter apprised the pump's owner summoned from Umerkot of the occurrence. Efforts to trace the culprits having proved unavailing, the complainant lodged the F.I.R., averring his capacity to identify the offenders where they produced before him.

3. Learned counsel appearing for the applicant submitted that his client stands falsely enmeshed in these proceedings, urging that his name finds no mention in the F.I.R. and that his implication rests solely upon a supplementary statement of the complainant recorded after an inordinate and unexplained delay exceeding sixteen days. He further submitted that though the applicant was apprehended on 18.03.2026, the alleged recovery was effected only on 23.03.2026, a hiatus of five days casting serious doubt upon its genuineness and suggestive of foisting. He additionally contended that the Investigating Officer omitted to produce the applicant before a competent Court for identification, thereby bringing the matter squarely within the ambit of further inquiry contemplated by Section 497(2) of the Code of Criminal Procedure. He accordingly prayed for the grant of bail.

4. Learned D.P.G, supported by learned counsel for the complainant, resisted the petition with vehemence, submitting that notwithstanding the absence of the applicant's name in the F.I.R., the investigation had led to his arrest along with a co-accused and to the recovery of the stolen articles from their

joint possession. It was further urged that the offence attracts the prohibitory clause of Section 497 Cr.P.C, thereby disentitling the applicant to the concession sought. He accordingly prayed for dismissal of the application.

5. This Court has given its anxious consideration to the submissions advanced at the Bar by learned counsel for the applicant and by learned D.P.G, assisted by learned counsel for the complainant, and has subjected the record to close and careful scrutiny. It is apparent that the applicant's name is conspicuously absent from the F.I.R, that no identification parade was ever held before a Court of competent jurisdiction, and that the singular nexus sought to be forged between the applicant and the offence is a belated statement recorded under Section 162 Cr.P.C on 18.03.2026, more than sixteen days after the occurrence, unaccompanied by any disclosed source of information, a circumstance whose evidentiary weight must abide the trial's determination. It is further to be noticed that, upon the prosecution's own account, the complainant party was released from confinement by a person whose identity remains, curiously, undisclosed to date. These infirmities, taken cumulatively, bring the case within the contemplation of Section 497(2) Cr.P.C., necessitating further inquiry into the applicant's culpability.

6. For the reasons above stated, the applicant, Ramzan s/o Babu, is admitted to post-arrest bail, subject to his furnishing solvent surety in the sum of Rs.1,00,000/- (Rupees One Hundred Thousand only), together with a personal recognizance bond in the like amount, to the satisfaction of the learned trial Court.

7. It is clarified, so as to forestall any misapprehension, that the observations recorded above are tentative and confined strictly to the disposal of the instant bail application, and shall not be construed as an expression of opinion on the merits binding upon the trial Court.

8. The bail application stands disposed of in the terms aforesaid.

JUDGE

“Chander Kumar”