

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR.

Cr. Bail Application No.S-419 of 2026
(**Nazeer Ahmed v. The State**)

Mr. Alam Sher Khan Bozdar, Advocate for applicant.
Mr. Shabbir Ali Bozdar, Advocate for complainant.
Mr. Sardar Ali Shah, Additional P.G for the State.

Date of Hearing: **13-07-2026**

Date of Order: **13-07-2026**

ORDER

ZULFIQAR ALI SANGI, J.- Through instant Criminal Bail Application, applicant Nazeer Ahmed seeks post-arrest bail in Crime No.69 of 2026, registered at P.S, Mirpur Mathelo, under section 392 PPC after rejection of his bail plea by the trial Court vide order dated 05.05.2026.

2. The facts of the prosecution case, in a nutshell, are that complainant Wajid Ali lodged the FIR on 16.03.2026 in respect of an incident which allegedly took place on 14.03.2026, alleging therein that on the fateful day, he, along with his companions, was intercepted during the night by the accused persons who, after wrongfully restraining them, subjected them to violence and forcibly snatched their motorcycle. The role attributed to the present applicant is specific and direct, coupled with his active participation in the commission of the alleged offence.

3. Learned counsel for the applicant contends that the applicant is innocent and has falsely been implicated in this case due to dispute. He submits that there is inordinate delay of two days in lodging of FIR, for which no plausible explanation has been offered by complainant; He also added that co-accused Mansoor and the present applicant are cousins, and in the year 2024, the said co-accused contracted a freewill marriage with the cousin of the complainant, whereupon the complainant party became

annoyed and declared them *Karo Kari*, owing to which the applicant has been falsely implicated. He further submits that the alleged incident took place on the Link Road, Dad Leghari, which is a thickly populated area, yet no independent person has been associated as a witness. He also contends that the alleged offence does not fall within the prohibitory clause of Section 497, Cr.P.C. Lastly, he prayed for the grant of post-arrest bail to the applicant.

4. Conversely, learned Assistant Prosecutor General, assisted by the learned counsel for the complainant, opposed the grant of bail on the ground that the applicant has been nominated in the FIR with a specific role and is a habitual offender whose criminal record reflects his involvement in multiple cases of a similar nature. However, learned A.P.G. produced the CRO report furnished by the SSP, Ghotki, which reveals that the applicant is involved in only three other cases of a similar nature.

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

6. At the outset, the alleged offence does not falls within the prohibitory clause of Section 497, Cr.P.C., as the lessor punishment provided for the offence is three years. No doubt, the applicant has been nominated in the FIR with a specific role. There is inordinate delay of two days in lodging of FIR, for which no plausible explanation has been furnished by complainant, which gives presumption of false implication of applicant after due deliberation and consultation. Moreover, it is an admitted position that co-accused Mansoor, who is also the cousin of the present applicant, had contracted a freewill marriage with the cousin of the complainant. Therefore, in the presence of the admitted previous hostility between the parties, the possibility of the applicant's false implication cannot be ruled out at this stage. It is also noteworthy that, although the parties reside in the same vicinity, two other FIRs of similar nature have been registered against the applicant. Furthermore, co-accused Mansoor Ahmed had been granted bail

by the trial Court in another crime No.15 of 2026, vide order dated 04.07.2026 and today copy of order has been produced by the counsel for the applicant along with statement.

7. Under these circumstances, I am of the tentative view that the case of the applicant calls for further inquiry within the meaning of Section 497(2), Cr.P.C. Consequently, the instant bail application is **allowed**, and the applicant is **admitted** to post-arrest bail, subject to his furnishing solvent surety in the sum of **Rs.100,000/- (Rupees One Lac)** and a personal recognizance bond in the like amount to the satisfaction of the learned trial Court.

8. Needless to mention here that the observations made hereinabove are tentative and would not influence learned Trial Court at the time of deciding the case as the same are only for deciding this bail application.

J U D G E

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