

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-17 of 2026

Applicants: 1. Mureed s/o Kaiwro.
2. Majeed s/o Mureed.
Through Mr. Dileep Kumar Kolhi, Advocate.

Complainant: Naseer Ahmed s/o Malak Bakhat
(present in person).

Respondent: The State
Through Mr. Shahzado Saleem, A.P.G.

Criminal Bail Application No.S-74 of 2026

Applicant: Aijaz @ Babu Dhandhal s/o Sahib Dino.
Through Mr. Nadeem Abbasi, Advocate.

Complainant: Naseer Ahmed s/o Malak Bakhat
(present in person).

Respondent: The State
Through Mr. Shahzado Saleem, A.P.G.

Date of Hearing: 13.07.2026.

Date of Order: 13.07.2026.

ORDER

Khalid Hussain Shahani, J.:- The applicants Mureed and Majeed seek the pre-arrest bail, while the applicant Aijaz alias Babu Dhandhal seeks enlargement on post-arrest bail, both prayers arising from a singular occurrence embodied in F.I.R. No. 73/2025, registered at Police Station Tando Jan Muhammad for offences punishable under Sections 397/34, P.P.C. The identical relief having been declined by the learned Additional Sessions Judge-I, Mirpurkhas, vide orders dated 03.10.2025 and 19.02.2026 respectively, and the factual matrix as well as the legal questions raised being congruent, both applications are

disposed of by this consolidated order.

2. The prosecution narrative, as it unfolds from F.I.R. No. 73/2025 lodged on 21.07.2025 at 1615 hours, recites that the complainant Naseer Ahmed, having chanced upon an advertisement on Facebook offering an Alto car for sale, proceeded on 18.07.2025, accompanied by one Muhammad Yaqoob, to Village Bachal Chandio, at the otaq of Fateh Khan Chandio, arriving there at about 1600 hours. At the said location, the complainant allegedly encountered the accused persons Mureed, Pervez alias Hassan, Majeed, and Aijaz alias Babu Dhandhal, who, brandishing pistols, are said to have divested him of Rs. 1,700,000/- and thereafter extended threats of dire consequences, including death, compelling the complainant party to retreat to their home.

3. When the matter was first called, the complainant appeared and represented that his counsel was en route, seeking an adjournment. Upon the second call, the complainant reiterated that counsel had not arrived and requested that proceedings continue in the presence of the learned Additional Prosecutor General.

4. Learned counsel for the applicants argued with considerable force that their clients have been falsely implicated owing to mala fide, and that the F.I.R. suffers from an unexplained and inordinate delay of three days, a lapse that, in the submission of counsel, denudes the prosecution narrative of its evidentiary sanctity and fortifies the plea of false implication. It was further urged that the investigation stands concluded, the report under Section 173, Cr.P.C. having already been placed before the trial Court, and that the alleged offence falls outside the prohibitory embargo of Section 497, Cr.P.C. Learned counsel appearing for applicant Aijaz alias Babu Dhandhal additionally submitted that his client's continued custody serves no investigative purpose whatsoever, the investigation having reached its culmination. Confirmation of the interim pre-arrest bail already extended to Mureed and Majeed, and the grant of post-arrest bail to Aijaz alias Babu Dhandhal, was accordingly pressed for.

5. Learned Additional Prosecutor General, resisting the applications

on behalf of the State, contended that the applicants stand specifically named in the F.I.R. and pressed for dismissal.

6. I have heard learned counsel for the applicants and the learned Additional Prosecutor General at length, and have subjected the record to the scrutiny it warrants. The delay attending the setting of the criminal law in motion, assuming the complainant possessed knowledge of the applicants' identity from the very inception, raises a question incapable of resolution save through the crucible of trial. It is a settled principle that unexplained and inordinate delay in lodging the F.I.R. creates a doubt in the prosecution's version, the benefit of which must enure to the accused at the bail stage. This Court is not unmindful that mere delay is not, by itself, fatal to the prosecution case where satisfactorily explained; however, in the present case no such explanation appears on record, and the delay has correspondingly enfeebled the immediacy that customarily lends credence to a prosecution narrative of this genre. Equally telling is the investigation's failure to unearth any corroboration for the assertion that a Facebook advertisement was ever employed to solicit the vehicle's sale. It remains undisputed that the investigation has attained its conclusion and the report under Section 173, Cr.P.C. already lies before the trial Court. The applicants have, throughout, submitted themselves to the process of law without demur, and nothing on record suggests misuse of the concession of interim pre-arrest bail, abscondence, or interference with the course of justice, circumstances which weigh decisively in favour of confirmation. As for applicant Aijaz alias Babu Dhandhal, his continued incarceration would serve no salutary purpose, the investigation qua him having been finalized; his further detention would amount to nothing short of punishment antecedent to trial, particularly where the offence alleged does not attract the prohibitory clause of Section 497, Cr.P.C.

7. In light of the foregoing, the complicity of the applicants in the offence alleged remains, at this preliminary stage, enveloped in reasonable doubt, the cumulative effect of the unexplained delay in lodgment of the F.I.R., the absence of corroboration for the alleged Facebook advertisement, and the conclusion of investigation without

further requirement of custody, bringing their case squarely within the contemplation of "further inquiry" under Section 497(2), Cr.P.C.. It bears reiteration that at the bail stage the Court is confined to a tentative assessment of the material on record and is not required to undertake a deeper appreciation of evidence, which exercise remains the exclusive province of the trial Court. The ultimate question of guilt or innocence must necessarily await the crucible of trial and the evidence adduced therein. The investigation having been brought to completion and the challan submitted, no useful purpose would be subserved by relegating the applicants to custody at this juncture, custody not being intended as a punitive measure but as a means of securing attendance before the Court.

8. For the reasons set out above, applicants Mureed and Majeed have made out a case warranting confirmation of bail. The interim pre-arrest bail granted vide order dated 21.06.2026 is accordingly confirmed, on the same terms and conditions as heretofore obtaining. Applicant Aijaz alias Babu Dhandhal is admitted to post-arrest bail, subject to his furnishing a solvent surety in the sum of Rs. 50,000/- (Rupees Fifty Thousand only) together with a personal bond in the like amount, to the satisfaction of the learned Trial Court.

9. It is clarified, for the avoidance of doubt, that the observations contained herein are tentative in nature and shall not prejudice the case of either party at trial.

The applications stand disposed of accordingly.

JUDGE