

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-76 of 2026

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Applicants:	1. Aijaz @ Babu Dhandhal s/o Sahib Dino 2. Ashraf s/o Bachal, Through Mr. Nadeem Abbasi, Advocate.
Complainant:	Muhammad Ali s/o Mushtaque (called absent).
Respondent	The State Through Mr. Shahzado Saleem, A.P.G.
Date of Hearing:	13.07.2026
Date of Order:	13.07.2026

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ORDER

Khalid Hussain Shahani, J.:- The applicants, Aijaz @ Babu Dhandhal and Ashraf, seek post-arrest bail in a case arising out of Crime No. 71 of 2025, registered under Section 397/34 PPC at Police Station Tando Jan Muhammad. It is not disputed that an earlier attempt to secure this relief before the learned 1st Additional Sessions Judge, Mirpurkhas, was rejected vide order dated 19.02.2026.

2. As per the F.I.R. No. 71/2025 lodged on 21.07.2025 at 1545 hours, the complainant, Muhammad Ali, having seen an advertisement on Facebook for the sale of an Alto Car, proceeded on 11.05.2025, along with his friend Sher Muhammad, to Village Bachal Chandio, to the Otaque of Rasheed Chandio, to purchase the vehicle. It is alleged that after negotiating a price of Rs. 15,00,000/- with the accused Ashraf and Aijaz @ Babu Dhandhal, the accused, at gunpoint, robbed the complainant and his companion of the said amount and threatened them with dire consequences if they did not leave. The complainant thereafter went to the police station and lodged the F.I.R.

3. Despite repeated notices, the complainant has not entered appearance before this Court.

4. Learned counsel for the applicants submits that the applicants have been falsely implicated; that there is an unexplained delay of over two months in lodging the F.I.R., which supports the plea of false implication; that the investigation has been completed and the report under Section 173, Cr.P.C. has been submitted; and that the offence does not fall within the prohibitory clause of Section 497, Cr.P.C. He therefore prayed for grant of bail.

5. Learned Additional Prosecutor General opposed the bail application, submitting that the applicants are specifically named in the F.I.R., and prayed for dismissal.

6. I have heard learned counsel for the applicants and the learned Additional Prosecutor General, and have perused the record. It is admitted that the F.I.R. was lodged after a delay of about three months and eleven days, despite the complainant's claim that the applicants were known to him from before. This delay raises a question that can only be settled at trial and, prima facie, weakens the element of spontaneity in the prosecution case.

7. It is also noted that the Investigating Officer failed to trace or retrieve the Facebook advertisement which, as per the prosecution's own case, was the starting point of the entire transaction between the parties. Such advertisement, being in the nature of scientific/electronic evidence, was capable of retrieval and ought to have been specifically focused upon during investigation, particularly since it was central to the prosecution's version regarding the manner in which the complainant came into contact with the applicants. No such record has been placed on file to corroborate the prosecution story in this regard.

8. It is further noted that no incriminating article or the robbed amount was recovered from the applicants during investigation. The investigation stands concluded and the report under Section 173, Cr.P.C. has been submitted before the Trial Court. Accordingly, the applicants are no longer required for investigation, and their continued detention would serve no useful purpose, particularly since the offence

does not fall within the prohibitory clause of Section 497, Cr.P.C.

9. In these circumstances, the case of the applicants, prima facie, falls within the scope of "further inquiry" under Section 497(2), Cr.P.C. Their guilt or innocence can only be determined after evidence is led before the Trial Court. Since investigation is complete and the challan has been submitted, no purpose would be served by keeping the applicants in custody pending trial.

10. For the reasons recorded above, the applicants are admitted to post-arrest bail, subject to furnishing a solvent surety in the sum of Rs. 50,000/- (Rupees Fifty Thousand only) each, along with a personal bond in the like amount, to the satisfaction of the learned Trial Court.

11. It is clarified that the observations made herein are tentative and shall not prejudice either party at trial.

The applications stand disposed of accordingly.

JUDGE

Adnan Ashraf Nizamani