

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-75 of 2026

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

Complainant: Raza Muhammad s/o Muhammad Laghari.
(Called absent).

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

Criminal Bail Application No.S-90 of 2026

Applicant: Altaf s/o Wali Muhammad.
Through Mr. Dilawar Hussain Panhwar,
Advocate.

Complainant: Raza Muhammad s/o Muhammad Laghari.
(Called absent).

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.:- Applicant Altaf seeks the pre-arrest bail, while the applicant Aijaz alias Babu Dhandhal seeks enlargement on post-arrest bail in a case bearing crime No.95/2025, registered at Police Station Tando Jan Muhammad for offences under Sections 397/34, P.P.C. Their respective prayers having met with rejection at the hands of the learned Additional Sessions Judge-I, Mirpurkhas, by orders dated 18.02.2026 and 19.02.2026 respectively.

2. The prosecution narrative, as it emerges from the F.I.R. lodged on 22.07.2025 at 1145 hours, is that the complainant Raza

Muhammad, a timber merchant by occupation, ventured on 10.04.2025, in the company of Sher Muhammad and Niaz Ali Tunio, to Village Bachal Chandio with a view to inspecting standing trees for purchase. It is alleged that the applicants, along with certain co-accused, having exhibited the trees and settled a bargain at Rs.6,250,000/-, thereafter enquired of the cash carried by the complainant's party and, upon being informed that a sum of Rs.2,500,000/- was in their possession, divested them of the said amount at gunpoint, subsequently disowning the transaction altogether. It was upon this refusal that the present F.I.R. came to be registered.

3. Despite the issuance of repeated notices, the complainant has elected to remain absent and has not thought it fit to appear before this Court.

4. Learned counsel for the applicants submit that their clients stand falsely implicated owing to mala fide, that the F.I.R. suffers from an unexplained delay of three months and eleven days, a circumstance that erodes the sanctity ordinarily attaching to prompt reporting and that, investigation having culminated in the submission of the report under Section 173, Cr.P.C., the alleged offence does not attract the prohibitory rigours of Section 497, Cr.P.C. It is further urged, qua the applicant Aijaz alias Babu Dhandhal, that his continued incarceration serves no investigative purpose, the same having already concluded.

5. Learned Additional Prosecutor General, resisting the applications, submits that the applicants stand specifically named in the F.I.R. and prays for dismissal of both applications.

6. I have heard learned counsel for the applicants as also the learned Additional Prosecutor General at length, and have subjected the record to anxious scrutiny. The delay in setting the criminal law into motion, assuming the complainant's familiarity with the identity of the applicants from inception raises a question incapable of resolution save through the crucible of trial, and has, in the process, diminished the spontaneity that customarily lends credence to allegations of this character. It is not disputed that investigation stands concluded and the

report under Section 173, Cr.P.C. already presented before the learned Trial Court. The applicant Altaf has, throughout, submitted himself to the process of law without demur, and nothing has been placed on record to suggest misuse of the concession of interim pre-arrest bail or any attempt at obstructing investigation or intimidating witnesses. As for the applicant Aijaz alias Babu Dhandhal, his further detention would serve no legitimate object, investigation having already run its course, and would, in the circumstances, degenerate into punishment anterior to trial particularly where the offence alleged falls outside the prohibitory embargo of Section 497, Cr.P.C.

7. In light of the foregoing, the complicity of the applicants remains, at this stage, enveloped in reasonable doubt, bringing their case squarely within the contemplation of "further inquiry" under Section 497(2), Cr.P.C. The question of guilt or innocence must, in the fullness of things, await the trial and the evidence to be adduced thereat. Investigation having concluded and the challan submitted, no worthwhile purpose stands to be served by relegating the petitioners to custody at this juncture.

8. For the reasons aforestated, the applicant Altaf has made out a case for confirmation of bail. The interim pre-arrest bail granted to him vide order dated 09.03.2026 is hereby confirmed on the same terms and conditions. The applicant Aijaz alias Babu Dhandhal is admitted to post-arrest bail upon 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 removal of any doubt, that the observations recorded herein are tentative in nature and shall not be construed to prejudice the case of either party at trial.

The applications are disposed of in the above terms.

JUDGE