

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-63 of 2026

Applicant: Zulfiqar son of Ali Muhammad.
Through Mr. Mian Taj Muhammad Keerio,
Advocate.

Complainant: Shah Bux son of Mahar Hussain(called absent).

Respondent: The State
Through Mr. Neel Parkash, D.P.G.

Date of Hearing: 14.07.2026.
Date of Order: 14.07.2026.

O R D E R

Khalid Hussain Shahani, J.;- applicant Zulfiqar confirmation of the interim pre-arrest bail already extended to him in a case bearing Crime No. 100 of 2025, registered at Police Station Tando Jan Muhammad for offences under Sections 397/34, P.P.C., his identical prayer having met with rejection at the hands of the learned Additional Sessions Judge-II, Mirpurkhas, vide order dated 31.01.2026.

2. The genesis of the prosecution case, as chronicled in F.I.R. No. 100/2025 lodged on 22.07.2025 at 1300 hours, reveals that the complainant, Shah Bux, having chanced upon an advertisement on Facebook offering a Cuore car for sale, proceeded on 29.06.2025, in the company of his nephew Raja and one Shaukat Ali, to Village Bachal Chandio with the object of consummating the purchase. It is alleged that upon a price of Rs. 500,000/- being negotiated, the accused Anwar, Muhammad Hassan, Zulfiqar, and Zeeshan @ Shan Arain, brandishing firearms, divested the complainant and his companions of the aforesaid sum and, under threat of dire consequences, compelled their departure from the scene, whereupon the complainant repaired to the police station to set the law in motion.

3. Notwithstanding repeated notices issued by this Court, the complainant has elected not to enter appearance.

4. Learned counsel for the applicant, pressing the cause of his client with considerable vigour, submits that the applicant has been falsely and maliciously implicated in the case; that an unexplained delay of some 23 days attended the lodging of the F.I.R., a circumstance which, in his submission, has denuded the prosecution narrative of its evidentiary sanctity and lends colour to the plea of false implication; that the investigation stands concluded, the report under Section 173, Cr.P.C. having been submitted before the learned trial Court; and that the applicant, having remained a regular and dutiful attendant at trial, warrants no further deprivation of liberty. He further contends that the principle of parity operates squarely in the applicant's favour, he having secured the concession of bail from the learned trial Court in cases of cognate and analogous nature, and that the offence alleged does not fall within the prohibitory embargo engrafted in Section 497, Cr.P.C. He accordingly prays that the interim pre-arrest bail already extended be confirmed.

5. Learned Deputy Prosecutor General, resisting the application with equal vigour, submits that the applicant stands specifically and unambiguously named in the F.I.R., and prays that the instant application be dismissed.

6. I have heard learned counsel for the applicant and learned Deputy Prosecutor General at considerable length, and have subjected the record to anxious scrutiny. It emerges, and indeed stands admitted, that the F.I.R. was lodged after a delay of about 23 days, a delay which, if the complainant in truth possessed knowledge of the applicant's identity from the very inception, raises a question incapable of resolution save through the crucible of evidence at trial, and which has correspondingly diluted the immediacy that ordinarily fortifies and lends credibility to a prosecution narrative of this character. It is further worthy of note that the investigation has yielded nothing whatsoever to substantiate the assertion that any Facebook advertisement was, in point of fact, ever employed to solicit the sale of the vehicle in question.

It stands uncontroverted that the investigation has since culminated, the final report having been laid before the learned trial Court, and that the applicant has throughout submitted himself, without demur or default, to the process of law. The record is barren of any suggestion that the concession of interim bail has been abused, or that the applicant has, at any stage, sought to obstruct the investigation or suborn the witnesses of the prosecution.

7. In light of the foregoing, the complicity of the applicant in the offence alleged remains, at this stage, enveloped in reasonable doubt, thereby bringing his case, prima facie, within the contemplation of "further inquiry" as engrafted in Section 497(2), Cr.P.C. The question of his ultimate culpability must, in the final analysis, abide the recording of evidence at trial. The investigation having reached its terminus and the challan having been submitted, no salutary or discernible purpose would be served by consigning the applicant to custody at this juncture.

8. For the reasons recorded above, I am satisfied that the applicant has succeeded in making out a case for confirmation of bail. The interim pre-arrest bail granted to the applicant vide order dated 24.02.2026 is accordingly confirmed, on the same terms and conditions as heretofore obtaining.

9. It is, however, clarified for the avoidance of doubt that the observations recorded herein are tentative in nature and shall not be construed so as to prejudice the case of either party at the trial.

The application stands disposed of accordingly.

JUDGE