

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-280 of 2026

Applicant: Ghulam Qadir son of Fateh Khan.
Through Mr. Zulfiqar Ali Laghari, Advocate.

Complainant: Ghulam Nabi son of M. Jan (Called absent).

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

Date of Hearing: 14.07.2026.

Date of Order: 14.07.2026.

ORDER

Khalid Hussain Shahani, J.:- The applicant, Ghulam Qadir, seeks confirmation of interim pre-arrest bail in a case bearing Crime No. 45 of 2022, registered at Police Station Tando Jan Muhammad, under Section 392, read with Section 34, Pakistan Penal Code, 1860 (Section 397 subsequently incorporated in the report submitted under Section 173, Code of Criminal Procedure, 1898). An identical prayer was declined by the learned Additional Sessions Judge-I, Mirpurkhas, vide order dated 18-05-2026.

2. The prosecution case, as narrated in F.I.R. No. 45 of 2022, registered on 22-07-2022 at 1600 hours, is that the complainant, a businessman, accompanied by his uncle Yar Muhammad and cousin Muhammad Raffique, was proceeding with Rs. 800,000/- for a business transaction when the party encountered one Ashraf Chandio at Tando Jan Muhammad. On the pretext of a proposed sale of he-goats, the complainant's party was led to Village Bachal Chandio, Deh No. 263, Taluka Digri, where three individuals identified as Anwar Chandio, Ghulam Qadir (the present applicant), and Baqir Ali Chandio were introduced by Ashraf Chandio. Upon the complainant's refusal to tender advance payment, the accused are alleged to

have produced firearms and, at gunpoint, dispossessed the complainant's party of Rs. 800,000/-, compounding the offence with threats of grave consequence. The F.I.R. was lodged upon the complainant's return to the police station.

3. Despite repeated notices issued by this Court, the complainant has failed to enter appearance.

4. Learned counsel for the applicant contends: (i) that the implication is actuated by mala fide; (ii) that the F.I.R. suffers an unexplained delay of approximately eighteen days, corrosive of the prosecution's claim to spontaneity; (iii) that investigation stands concluded, with the report under Section 173, Code of Criminal Procedure, 1898, submitted before the trial Court; and (iv) that the applicant, having attended trial without default, warrants no further custodial detention. Reliance is placed on the rule of parity, the applicant having secured bail in cases of cognate nature before the trial Court.

5. Learned Deputy Prosecutor General, for the State, controverts the submissions.

6. Heard. Record perused. The delay in setting the criminal law in motion, assuming the complainant's foreknowledge of the applicant's identity from inception, raises a question resolvable only through evidence at trial, and has correspondingly diminished the immediacy ordinarily attending a prosecution of this character. It is undisputed that investigation has concluded, the report under Section 173, Code of Criminal Procedure, 1898, has been submitted, and the applicant has attended trial without demur. Nothing on record suggests misuse of the concession of interim bail, or any attempt to obstruct investigation or influence prosecution witnesses.

7. In the circumstances, the applicant's complicity remains, at this stage, a matter of doubt, bringing the case within the contemplation of "further inquiry" under Section 497(2), Code of Criminal Procedure, 1898. His culpability shall be determined upon recording of evidence at trial. Investigation having concluded and the challan having been submitted, no purpose would be served by his continued incarceration.

8. For the foregoing reasons, the applicant has made out a case for confirmation of bail. The interim pre-arrest bail granted vide order dated

25-05-2026 is confirmed on the same terms and conditions.

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

The application is disposed of accordingly.

JUDGE

Adnan Ashraf Nizamani