

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-179 of 2026

Applicant: Mehtab s/o Wali Muhammad,
Through Mr. Nadeem Abbasi, Advocate.

Respondent: The State
Through Mr. Neel Parkash Deputy P.G.

Date of Hearing: 16.07.2026.

Date of Order: 16.07.2026.

O R D E R

Khalid Hussain Shahani, J. — The applicant, Mehtab, invokes the post-arrest bail jurisdiction of this Court in Crime No. 60 of 2025, registered at Police Station Tando Jan Muhammad for offences under Sections 397/34, P.P.C., his identical prayer having met rejection at the hands of the learned Additional Sessions Judge-II, Mirpurkhas, by order dated 04.03.2026.

2. The prosecutorial narrative, as it unfurls from the F.I.R., traces its genesis to an antecedent case, Crime No. 57/2025, registered on 13.07.2025 at 1830 hours under Sections 420, 506(ii), 34, P.P.C., concerning an alleged fraud of Rs. 15,00,000/-, in respect whereof the accused had purportedly evinced willingness to remit payment. It is alleged that on 16.07.2025, the complainant, accompanied by her husband Hassan Ahmed and one Punhoon Narejo, arrived at the otaque of Fateh Khan Chandio in village Bachal Chandio, where the present applicant, armed with a pistol, together with his co-accused similarly armed, intercepted the complainant's party, held them at gunpoint, threatened them with dire consequences should they persist with the earlier case,

and, in the same breath, divested the complainant of Rs. 10,000/- from her purse. The instant prosecution owes its origin to this occurrence.

3. Despite repeated notices issued by this Court, the complainant has persistently declined to enter appearance, a circumstance not without significance.

4. Learned counsel for the applicant, in advancing the cause of his client, submits that the applicant has been enmeshed in false implication born of mala fide; that the F.I.R. betrays an unexplained delay of about one day, a lapse that erodes the prosecution's narrative of its inherent credibility and fortifies the plea of false involvement; that the investigative process stands concluded, culminating in the submission of the report under Section 173, Cr.P.C.; and that the alleged offence does not fall within the prohibitory embargo engrafted in Section 497, Cr.P.C. On these premises, he prays for the enlargement of the applicant on bail.

5. Learned Deputy Prosecutor General, resisting the application with equal tenacity, contends that the applicant's involvement in multiple analogous prosecutions brands him a habitual offender, undeserving of the concession of post-arrest bail, and accordingly prays for dismissal.

6. I have heard learned counsel for the applicant and the learned Deputy Prosecutor General at considerable length and have subjected the record to the scrutiny it warrants. A perusal of the F.I.R. reveals that while the complainant asserts that the accused

had disclosed their readiness to make payment in Crime No. 57/2025, she conspicuously omits to disclose the mode or source through which such contact for remittance was allegedly established, an omission that cannot be lightly brushed aside. Compounding this infirmity, the F.I.R. suffers from an unexplained delay of about one day. It remains undisputed that the investigation has reached its terminus and the final report has been laid before the trial Court. As to the objection of habitual criminality pressed by the State, its force considerably diminishes upon the concession, made by counsel for the applicant, that bail has already been extended to the applicant by the trial Court in those very cases; in the absence of any distinguishing feature brought to the notice of this Court, the rule of consistency must operate in the applicant's favour.

8. In light of the foregoing, the complicity of the applicant in the alleged offence remains, at this preliminary stage, enveloped in doubt, bringing his case *prima facie* within the ambit of "further inquiry" contemplated under Section 497(2), Cr.P.C. The question of his ultimate culpability must abide the recording of evidence at trial. With investigation complete and the challan submitted, no salutary purpose would be served by continuing to deprive the applicant of his liberty at this juncture.

9. For the reasons aforestated, the applicant/accused Mehtab is admitted to post-arrest bail, subject to his furnishing solvent surety in the sum of Rs. 50,000/- (Rupees Fifty Thousand only), together with a personal recognizance bond in the like amount, to the satisfaction of the learned trial Court.

10. It is clarified, lest any misapprehension arise, that the observations recorded hereinabove are tentative and preliminary in character, confined strictly to the disposal of the instant application, and shall not be construed to prejudice either party at the trial on merits.

The instant criminal bail application stands disposed of in the terms noted above.

JUDGE

“Chander Kumar”