

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-180 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.

ORDER

Khalid Hussain Shahani, J:- Applicant Mehtab, seeks post-arrest bail in Crime No.61 of 2025, registered at Police Station Tando Jan Muhammad for offences under Sections 397/34, P.P.C, his identical prayer having been declined by the learned Additional Sessions Judge-I, Mirpurkhas, vide order dated 18.03.2026.

2. As per the F.I.R, on 10.07.2025 the complainant, along with his nephew Shahbaz and his wife Nirma, responded to a Facebook advertisement for the sale of a Mehran car and proceeded to the disclosed address at the Otaq of Anwar Chandio, Village Bachal Chandio, Deh 263, Taluka Digri, at 1500 hours. There, Anwer Chandio, Mehtab Chandio, and Rasheed Chandio exhibited the vehicle and, upon the price being settled at Rs. 8,00,000/-, produced pistols from the folds of their shalwars, robbing the complainant party of the said amount and threatening them against disclosure. Hence the instant case.

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

4. Learned counsel for the applicant contends that the applicant stands falsely implicated on account of mala fide; that the F.I.R suffers an unexplained delay of about seven days, denuding the prosecution narrative of its sanctity and lending credence to the plea of false implication; that investigation stands concluded with the report under Section 173, Cr.P.C already submitted; and that the alleged offence does not attract the prohibitory embargo of Section 497, Cr.P.C. He prays accordingly for bail.

5. Learned Deputy Prosecutor General resists the application with equal vigour, contending that the applicant's involvement in multiple analogous cases marks him a habitual offender undeserving of bail, and prays for dismissal.

6. Having heard learned counsel at length and perused the record, I find that the delay in setting the law in motion, assuming the complainant knew the applicant's identity from inception, raises a question resolvable only through evidence, and has eroded the immediacy ordinarily attending such prosecutions. Notably, investigation has yielded nothing to substantiate that any Facebook advertisement was in fact employed. It is undisputed that investigation has culminated and the final report laid before the trial Court. The objection of habitual criminality loses much force given counsel's concession that bail has already been granted to the applicant in those very cases by the trial Court; the rule of consistency, absent any distinguishing feature, thus favours the applicant.

7. In view of the foregoing, the applicant's complicity remains, at this stage, shrouded in doubt, bringing his case *prima facie* within "further inquiry" under Section 497(2), Cr.P.C. His culpability must abide the recording of evidence at trial. Investigation being complete and the challan submitted, no purpose would be served by his continued incarceration.

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

9. It is clarified that the observations above are tentative and preliminary, confined to disposal of this application, and shall not prejudice either party at trial on merits. The instant criminal bail application stands disposed of in the terms noted above.

JUDGE

"Chander Kumar"