

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Cr. Bail Application No. S-349 of 2026

Applicant: Farhan Ali S/o Ghulam Mustafa through Mr. Sikandar Ali Kolachi, advocate.

Respondent: The state through Mr. Ghulam Abbas Dalwani, D.P.G.

Date of Hearing: 21.07.2026

Date of Order: 21.07.2026

O R D E R

Khalid Hussain Shahani, J.: – Applicant Farhan Ali seeks post-arrest bail in a case bearing Crime No. 70/2026, registered under Sections 381/34 P.P.C. at Police Station Jhudo, his identical prayer having previously been declined by the learned Additional Sessions Judge-II, Mirpurkhas, by order dated 20.06.2026.

2. The prosecution case, as unfolded through the FIR, is that the complainant, a landlord, annually procures he-goats for sacrificial sale and had engaged Aijaz Ali Hingorjo and the present applicant as caretakers of forty-five such goats acquired during the current year. About fifteen to twenty days prior to the occurrence, the complainant had leased two acres of "Jantar" land from one Abu Bakar Soomro in Deh 342, near Sunji Mori, where the goats were customarily grazed under the supervision of the aforesaid servants, in the vicinity of plots held by Lakhi Kapri and Jumon Khoso. On 12.05.2026, upon visiting the site, the complainant discovered both servants and the goats missing. Inquiry from Lakhi and Jumon revealed that on 10.05.2026, at about 1700 hours, a Mazda vehicle had arrived, into which the servants had loaded the goats, representing to onlookers that the complainant had directed

relocation of the herd to another leased site. Extensive search proving futile, the complainant concluded that the servants, acting in furtherance of common intention, had misappropriated the goats and subsequently disposed of them at Karachi, giving rise to the instant prosecution.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated, exonerating the principal accused Aijaz Ali of any culpability attributable to the applicant. He contends that co-accused Haji Jaffar was enlarged on bail by the learned 2nd Additional Sessions Judge, Mirpurkhas, vide order dated 20.06.2026, entitling the applicant to parity of treatment. He further submits that the applicant, a labourer at Karachi, was arrested therefrom at the instance of the complainant, the implication being attributable to personal enmity involving one Asghar Bhatti, a relation of the complainant and co-labourer of the applicant. It is additionally urged that the occurrence dated 10.05.2026 culminated in registration of the F.I.R. only on 16.05.2026, an unexplained delay of six days, fatal to the prosecution's version at this stage. He accordingly prays for admission to bail.

4. Learned D.P.G., appearing for the State, supports the impugned order and resists the grant of concession sought.

5. I have heard learned counsel for the respective parties and perused the record with the care it deserves. The delay of six days in lodging the F.I.R, unaccompanied by any plausible explanation, assumes significance at this stage. Although the investigation purports to have effected recovery of Rs.3,00,000/- from the

applicant, allegedly proceeds of the sale of the goats, the nexus of such recovery with the offence charged remains a matter reserved for determination at trial. It is not disputed that the applicant and co-accused Aijaz Ali were jointly entrusted with the care of the goats, the alleged misappropriation whereof forms the substratum of the prosecution case; nor is it disputed that Aijaz Ali has since been released under Section 169, Cr.P.C., and placed in Column II of the Challan. Furthermore, co-accused Jaffar, the driver of the vehicle used for transporting the goats and from whom an identical sum of Rs. 3,00,000/- is said to have been recovered, has already been extended the concession of bail by the learned Additional Sessions Judge-II, Mirpurkhas. The applicant, being similarly circumstanced, is entitled to like treatment on the touchstone of parity. It is further noted that the offence alleged does not fall within the prohibitory embargo of Section 497(1), Cr.P.C., and that the investigation, having culminated in a report under Section 173, Cr.P.C., no longer necessitates the applicant's custodial presence for any legitimate investigative purpose.

6. In light of the foregoing considerations, the case against the applicant falls squarely within the contemplation of Section 497(2), Cr.P.C., warranting further inquiry into the true extent of his culpability. The instant application is accordingly allowed, and the applicant, Farhan Ali S/o Ghulam Mustafa, is admitted to post-arrest bail, subject to his furnishing solvent surety in the sum of Rs. 1,00,000/- (Rupees One Hundred Thousand only), together with a personal recognizance bond in the like amount, to the satisfaction of the learned trial Court.

7. It is clarified, lest any doubt persist, that the observations recorded hereinabove are strictly tentative in nature, confined to the limited purpose of adjudicating the question of bail, and shall not be treated as an expression of opinion on the merits of the case, nor shall the same prejudice either party at the trial.

8. The instant application stands disposed of in the above terms.

JUDGE

"Chander Kumar"