

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
LARKANA**

Cr. Bail Application No. S-220 of 2026

Applicant	:	Zubair son of Ali Asghar Chandio Through Mr. Asif Hussain Chandio, advocate
Complainant		Ghulam Rasool Through Mr. Aashiq Hussain Kalhoro, Advocate
The State	:	Mr. Sardar Ali Solangi, D.P.G.
Date of hearing		23-07-2026
Date of order		23-07-2026
Date of reasons		27-07-2026

ORDER

JAWAD AKBAR SARWANA, J.- Through the captioned bail application, applicant/accused Zubair son of Ali Asghar Chandio seeks his post arrest bail in Crime No. 60/2026, registered at Police Station K.N. Shah, for the offences U/S 397 P.P.C. Earlier his bail application was declined by the learned Additional Sessions Judge-II, Mehar, vide order dated 07.04.2026.

2. As per the F.I.R., on 26.02.2026, the applicant/accused, while armed with a pistol and acting in concert with his co-accused, allegedly intercepted the complainant and forcibly deprived him of cash amounting to Rs.35,000/- at the point of weapons. It is further alleged that when the complainant offered resistance, co-accused Ali Jan inflicted a knife blow upon his left arm.

3. Learned counsel for the applicant submits that the applicant/accused is innocent and has falsely been implicated in the present case due to ulterior motives. He contends that the F.I.R. was lodged after an unexplained delay of about eight days, for which no plausible explanation has been furnished. He further argues that the complainant has failed to disclose the source of information through which he allegedly came to know the names, parentage, and addresses of the applicant and the co-accused. It is also contended

that only cash is alleged to have been robbed from the complainant and no property was allegedly taken from his sons who were also stated to be present at the place of occurrence. Learned counsel submits that the complainant has sworn affidavit before this court and he has submitted that applicant is innocent and he has falsely been implicated by the police.

4. Conversely, learned counsel for the complainant submits that the complainant has sworn affidavit before this court that he has no objection, if this court grants bail to the applicant/accused.

5. Learned Deputy Prosecutor General has opposed the grant of bail and submitted that mere filing of an affidavit of no objection by the complainant created a dent in the prosecution case. He further submitted that filing of affidavit meant that the applicant/accused had admitted the offense and he patched up the matter with the complainant outside the Court the applicant/accused is very much involved in a heinous offence of robbery committed while armed with deadly weapons, which does not call for the exercise of the extraordinary concession of post-arrest bail.

6. I have heard the learned counsel for the parties and have examined the material available on record.

7. Admittedly, the applicant/accused has been nominated in the F.I.R.; however, no specific overt act of causing injury has been attributed to the co-accused. The allegation of inflicting the knife blow upon the complainant has specifically been assigned to co-accused Ali Jan Chandio, who allegedly caused the injury on the complainant's left arm. The role attributed to the present applicant is confined to his alleged presence and participation in the occurrence.

8. It is also an admitted position that the F.I.R. was lodged after a delay of about eight days, the alleged incident having taken place on 26.02.2026, whereas the F.I.R. came to be registered on 06.03.2026. At this stage, no satisfactory explanation for such delay is forthcoming from the record. The record further reflects that the applicant is neither a previous convict nor shown to be a hardened

criminal. It has also been stated by the learned Deputy Prosecutor General, upon instructions from the police papers, that no incriminating article or robbed property has been recovered from the possession of the applicant. Learned counsel for the applicant has further submitted that the parties are related to each other through the maternal side, which circumstance, though requiring evidence at trial, cannot altogether be ignored at this tentative stage.

9. From the tentative assessment of the evidence in the hand of the prosecution, it appears that there is hearsay evidence against the present applicant/accused. Nonetheless, the truth or otherwise of charges leveled against the accused could only be determined at the conclusion of trial after taking into consideration the evidence adduced by both parties. It may be observed that the offense alleged against the applicant/accused falls outside the prohibitory clause of Section 497, Cr.P.C. In such case, grant of bail is a rule and refusal is an exception. Reliance in this regard can be placed on the cases of ***Tariq Bashir and 5 others v. The State [PLD 1995 SC 34]*** and ***Mohammed Tanveer v. the State [PLD 2017 Supreme Court 733]***.

10. An important question arises in the present case, as to whether based on the affidavit of the complainant; concession of bail can be extended to the applicants/ accused. To answer the aforesaid question, while deciding a bail application, only allegations made in the FIR, statements recorded under Section 161 Cr. P.C., nature, and gravity of the charge, other incriminating material against the accused, legal pleas raised by the accused, and relevant laws have to be considered. I am of the tentative view that at the stage of consideration of bail application, either anticipatory or regular bail given the facts and circumstances of the case in hands such an affidavit is not required/considered.

11. Prima facie, the investigation has already been completed and the challan has been submitted before the learned trial Court. Therefore, the physical custody of the applicant is no longer required for the purpose of investigation. It is by now a settled principle of law that an accused cannot be kept behind bars for an indefinite period

merely because he has been nominated in the F.I.R., particularly when the investigation stands concluded and the trial is likely to consume time.

12. Keeping in view the totality of the circumstances, particularly the absence of any specific allegation of causing injury against the applicant, the unexplained delay in the registration of the F.I.R., the non-recovery of any incriminating article from his possession, the completion of investigation, and without expressing any opinion on the merits of the case, which may prejudice either party at the trial, this Court finds that the case of the applicant calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

13. Consequently, for the foregoing reasons, this bail application was allowed through short order dated 23.07.2026, whereby the applicant/accused was admitted to post-arrest bail subject to his furnishing solvent surety in the sum of **Rs.100,000/- (Rupees One Hundred Thousand Only)** and a P.R. bond in the like amount to the satisfaction of the learned trial Court.

14. Needless to mention that the observations made herein are merely tentative and shall not be relied upon by the parties or by the trial court.

J U D G E

Abdul Salam/P.A