

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail Application Nos. S-553 and 554 of 2026

Applicant : Zaffar s/o Daud by caste Solangi
Through M/s Syed Zaffar Ali
Shah and Jahangir Solangi,
advocates

Complainant : Muhammad Ali s/o Altaf
Hussain Mangnejo
For self

The State : Mr. Muhammad Raza Katohar,
D.P.G for the State

Dates of hearing : 15-07-2026 and 22-07-2026

Date of the : 31-07-2026
announcement

ORDER

Jawad Akbar Sarwana, J:- Through this post-arrest bail application, applicant Zaffar s/o Daud by caste Solangi seeks post-arrest bail in the above-titled two cr. bail applications, which were denied by the lower forum in two crimes, namely one vide FIR No.40/2026 dated 02.05.2025 @ 1800 hours at P.S. Hingorja, under Section 397 PPC, and another FIR No.45/2026 dated 06.05.2026 @ 1645 at P.S. Hingorja under Section 24 of the Sindh Arms Act, 2013.

2. The background of the case is well mentioned in the FIR, and the memo of the bail application and the same is reiterated but not reproduced for the sake of brevity. Be that as it may, briefly stated the facts are that the complainant Muhammad Ali Magnejo has alleged that on 30.04.2026 @ 2030 hours, Zafar Solangi, the applicant/accused along with certain other co-accused mentioned in the FIR No.40/2026, forcibly stopped them and fired at the complainant's brother Nadeem Ali Mangnejo which hit his right side lumber region and blood oozed out leading to him sustaining injuries which are recorded in the Final MLC

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under Section 337(F)(iii) PPC. Further, the applicant/accused along with other co-accused in FIR No.40/2026 also allegedly robbed Anwar Ali Sahito of Rs.5,700; and, with the applicant/accused acting in concert with the two other nominated accused in the same FIR, i.e. co-accused Masood s/o Aijaz Ali Solangi and Imtiaz Ali s/o Hadi Bux Solangi and other unknown persons, they allegedly ran off with the two motorcycles owned by the complainant and his above-mentioned injured brother and also took additional money from the complainant and his brother, etc.

3. Counsel for the applicant/accused contends that FIR is delayed by two days; the unregistered motorcycle has not been recovered, the robbery took place on the road side but the applicant/accused are nominated by name, suggesting malafide of complainant, there is enmity between the family of the complainant and the nominated accused and co-accused families; further Masood and Imtiaz have been granted bail; the injury under Sec.337(F)(iii) PPC does not fall under the prohibitory clause, and both bail applications should be allowed.

4. Counsel for the complainant has argued that the accused/applicant are not entitled to concession of bail. He contends that the applicant/accused were specifically named in the FIR; that empties from the pistol used by the applicant/accused were found at the place of incident, the pistol was also recovered; and that the delay in filing the FIR was because the complainant had to be rushed to the hospital. Hence, it was prayed that the two bail applications should be dismissed.

5. Learned DPG has opposed the grant of bail.

6. Heard arguments. Record perused.

7. As per the contents of the FIR, on the night of 30.04.2026 @ 20:30 hours, the complainant alleges that on their way home from work, they were randomly robbed of their motorbikes and money on show of weapons. It requires further inquiry as to how the complainant knew the name of the accused if the incident was unexpected and a surprise.

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How were the accused/applicant and his other co-accused nominated by name in the FIR, particularly when the incident took place at night? The applicant/accused has contended that this incident is false and a counter-blast to another FIR No.21/2026 registered by the alleged cousins of the accused and co-accused nominated in the FIR No.40/2026 against the family of the complainant, who are accused in FIR No.21/2026. The FIRs registered by family members of the complainant and the accused/co-accused by name suggest family enmity, which needs further inquiry given the facts and circumstances of the case. The FIR No.40/2026 was registered with a delay of almost 2-3 days, which has been explained by the complainant due to the fact that his brother sustained injuries. Be that as it may, this delay in registration of FIR requires further inquiry, as alleged enmity between the accused and co-accused in FIR No.40/2026. Turning to the injury sustained by the brother of the complainant, Nadeem Ali, the same is categorized as triggering Section 337(F)(iii), which is Mutalahimah (one of the kinds of Ghayr-Jaifah under Section 337-E(2)(c) which pertains to injury by lacerating the flesh), yet, as per the Police Papers, there is also mention in the medical records that “no internal abdominal injury was seen.” This aspect requires further inquiry, too. Further, the allegedly stolen bikes, which were also unregistered, have not been found so far, notwithstanding that the accused-applicant and other co-accused were in remand/police custody and/or have participated in the inquiry, as the case may be, yet nothing has been recovered from the possession of the applicant/accused and/or his co-accused in FIR No.40/2026. Further still, the name of the accused/applicant does not show up in the CRO except in the two FIRs lodged against him as above and the two co-accused nominated in FIR No.40/2026 have also been granted bail. It is apparent that the applicant/accused is not a

hardened criminal and there is no real likelihood that he would repeat the alleged offence if released on bail. The applicant/accused has been behind bars while the two co-accused in one of the FIRs are on bail. The foregoing grounds also call for further inquiry.

8. Finally, as per the submissions by learned Counsel, the investigation against the applicant and co-accused has also been completed, and his physical custody is not required for investigation; therefore, there is no purpose in keeping him behind bars. Based on all the questions and points raised hereinabove in connection with and/or arising in FIR No.40/2026, and requiring further inquiry, bringing the case within the ambit of Section 497(2) Cr.P.C.

9. In FIR No.45/2026, the applicant/accused is accused of using a pistol, and charged in the FIR under Section 24, Sindh Arms Act, 2013, which provides a punishment of up to 10 years in the case of a recovery of pistol, which falls within the definition of “arms” in terms of section 2 of the Act will be 10 years under Section 24 of the said Act. It has been observed that the question of the quantum of punishment has to be determined by the trial Court as to whether the accused would be liable to maximum punishment or not, and in the case of his conviction, whether his case would fall under the prohibitory clause or not. Additionally, as mentioned above, the applicant has been found entitled to the concession of bail in FIR No.40/2026 and this FIR No.45/2026 is an offshoot of the main case and deserves to be admitted to bail in this case too. Reliance is placed on Ayaz Ali v. The State, PLD Sindh 282.

10. Given the above reason, and, in the facts and circumstances of the case, as well as the above legal position, a case of post-arrest bail is made out. Accordingly, bail is hereby granted in the two bail applications to the present applicant/accused, Zaffar s/o Daud by caste Solangi, subject to furnishing cumulative/total solvent surety in the sum of Rs.150,000/- (One Hundred Fifty Thousand) and PR Bond in the like amount to the satisfaction of the trial Court.

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11. Needless to say, the above observations are only a tentative assessment and shall not be relied upon by the parties and the trial Court.

12. The instant bail applications stand allowed in the above terms.

J U D G E

Announced by me.

J U D G E

Faisal Mumtaz/PS