

Order Sheet
IN THE HIGH COURT OF SINDH, KARACHI
Crl. Bail Application No.1166 of 2025
(Nazeer Ahmed Palipoto Vs. the State)

Date	Order with signature of Judge
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DATE OF HEARING & ORDER 16.06.2025

M/s. Muhammad Daood, Sajjad Ali Khowaja and Muhammad Yousif, advocates for applicant.

Mr. Ghulam Akbar Uqaili, advocate a/w complainant.

Mr. Mumtaz Ali Shah, APG alongwith SIP Pehlwan Malik of P.S. Sujawal.

Arshad Hussain Khan J.- Applicant/accused has approached to this Court for post-arrest bail in the FIR No.180/2022, under Section 457 & 380 PPC, registered at P.S. Sujawal, after rejection of his Bail Application No.244 of 2025 by the Sessions Judge, Sujawal, by its order dated 29.03.2025.

2. The facts of the case need not be reiterated here as the same have already been stated in the FIR, impugned order and the bail application.

3. Learned counsel for the applicant/accused has contended that the applicant/accused is innocent and has been falsely implicated by the police in the present case with malafide intention and in collusion with the complainant. It is also contended that the applicant / accused has no nexus with the alleged offence, also nothing has been recovered from his possession or on his pointation and the alleged recovery has been foisted upon him. He has further contended that there is an inordinate delay of about 3 months and 10 days in lodging the FIR, for which no plausible explanation has been given by the complainant and such fact reflects that the FIR was registered after due deliberation and consultation. He has contended that the applicant / accused is not nominated in the FIR but the complainant recorded his supplementary statement under Section 162 Cr.P.C. on 09.03.2025 after three years of the incident and implicated the applicant in this false case due to enmity over the agriculture land, which is situated near the land of the complainant. He has further contended that the alleged incident is unseen, blind and there is no eye witness of the incident. He has argued that the alleged offence does not fall within the prohibitory clause of Section 497 of the Code of Criminal Procedure Code, 1898. Lastly, he has prayed for grant of bail to the applicant / accused.

4. Learned APG has opposed grant of bail to the applicant/accused. He has submitted that sufficient material is available on the record, which prima

facie connects the applicant/accused in the instant crime, therefore, he is not entitled for grant of bail.

5. I have heard learned counsel for the applicant/accused; the Additional Prosecutor General for the State and perused the material available on the record with their assistance.

From perusal of the record, it appears that the incident was unseen as the complainant and his family was sleeping in front of the house at the graveyard at the time of the incident and in the morning at 06:00 a.m. when the complainant awoken, he saw that the locks of the rooms were broken and the articles of the Almirahs were missing. The complainant, then affirmed that the dacoity has been committed. In the matter in hand, the incident took place on 28/29.06.2022 and FIR was lodged on 08.10.2022 after a delay of about three months and ten days but no plausible explanation has been given by the complainant for such a delay. Furthermore, the accused was not nominated in the FIR and the complainant recorded his supplementary statement under Section 162 Cr.P.C. after a delay of about three years wherein the applicant was implicated. Moreover, the version of the applicant/accused is that the complainant has falsely implicated him in this case due to enmity over the agriculture land. All these facts makes the case of further inquiry.

6. In view of the facts and the circumstance of the case, I am of the opinion that, prima facie, the applicant/accused has succeeded to bring his case within the purview of further inquiry, as such, he is entitled to bail. Resultantly, the bail application was allowed and the applicant/accused was admitted to post-arrest bail subject to his furnishing solvent surety in the sum of Rs.2,00,000/- and P.R bond in the like amount to the satisfaction of the trial court, by my short order dated 16.06.2025.

Needless to mention here that any observation made in this order is tentative in nature and shall not affect the determination of the facts at the trial or influence the trial court in reaching its decision on the merits of the case. It is, however, made clear that in the event if, during proceedings, the applicant/accused misuses the bail, then the trial court would be competent to cancel his bail without making any reference to this Court.

Above are the reasons of my short order dated 16.06.2025.

JUDGE