

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

Criminal Bail Application No.S-1376 of 2025

Applicant: Vikram Son of Rojhi through Miss. Talat Parveen,
Advocate.

Complainant: NEMO.

Respondent: The State through Mr. Irfan Ali Talpur, Deputy
Prosecutor General, Sindh.

Date of hearing: 13.04.2026

Date of order: 13.04.2026

ORDER

Riazat Ali Sahar, J.- Through the instant bail application filed under Section 497 Cr.P.C., the applicant, Vikram, seeks post-arrest bail in Crime No. 52 of 2025, registered at Police Station Rahoki, Hyderabad, for offences punishable under Sections 397 and 34 P.P.C. His earlier bail application was dismissed by the learned Model Criminal Trial Court / 1st Additional Sessions Judge, Hyderabad, vide order dated 03.09.2025.

2. As per the prosecution case set out in the FIR, on 03.06.2025 at about 11:50 a.m., the applicant, along with an armed accomplice, allegedly intercepted the complainant, Nazar Muhammad, and one Kaniyo near Husri Shakh, Tando Hyder Road, Hyderabad, and deprived the complainant of cash amounting to Rs. 300,000/- at gunpoint.

3. Learned counsel for the applicant contended that the FIR was lodged with an unexplained delay of three days, which casts serious doubt upon the veracity of the prosecution case. He further submitted that no recovery has been effected from the possession of the applicant and that the essential ingredients of Section 397 PPC are not attracted. He lastly argued that the offence does not fall within the prohibitory clause of Section 497 Cr.P.C., therefore, the

applicant is entitled to the concession of bail.

4. Conversely, the learned Deputy Prosecutor General, Sindh, opposed the application and contended that the applicant is specifically named in the FIR and no enmity has been alleged which could suggest false implication. He further argued that the delay in lodging the FIR is not fatal to the prosecution case and prayed for dismissal of the application.

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

6. Tentative assessment of the record reveals that although the applicant is named in the FIR, the complainant himself states that he came to know the name of the applicant through an unknown source, which renders such nomination, prima facie, doubtful. Furthermore, the FIR has been lodged with a delay of three days despite the police station being situated at a distance of only five to six kilometers from the place of occurrence, and no plausible explanation for such delay has been furnished, thereby calling for further inquiry. It is also an admitted position that no recovery has been effected from the possession of the applicant. The incident is stated to have occurred in broad daylight; however, no independent witness has been cited by the prosecution, which further weakens the case at this stage. The investigation has been completed and the applicant has remained in custody for approximately eight months. His continued incarceration would serve no useful purpose but would amount to pre-trial punishment. Although Section 397 PPC provides for a minimum sentence of seven years, the offence does not fall within the prohibitory clause of Section 497(1) Cr.P.C. It is a well-settled principle of law that in offences not falling within the prohibitory clause, the grant of bail is a rule and refusal is an exception. Reliance is placed upon the cases of **Tariq Bashir and others v. The State** (PLD 1995 SC 34) and **Muhammad Tanveer v. The State** (2017 SCMR 366), wherein it has been held that where a case calls for further inquiry, the accused is entitled to the concession of bail under Section 497(2) Cr.P.C.

7. In view of the foregoing, this Court is of the considered opinion that the case of the applicant calls for further inquiry within the meaning of Section 497(2) Cr.P.C. Consequently, the instant bail application is **allowed**. The applicant, Vikram son of Rojhi, is admitted to post-arrest bail in Crime No. 52 of 2025, registered at Police Station Rahoki, District Hyderabad, subject to furnishing solvent surety in the sum of Rs. 50,000/- (Rupees Fifty Thousand) and a P.R. bond in the like amount to the satisfaction of the learned trial Court.

8. It is clarified that the observations made herein are tentative in nature and shall not, in any manner, influence the trial Court, which shall decide the case strictly on its own merits.

JUDGE

Muhammad Danish