

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl. Bail Application No.S-732 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
-----------------	-------------------------------

Applicant: Muhammad Nazir @ Nazir Ahmed son of Muhammad Zaman by caste Samore
Through Mr.Islam Nabi Malano, Advocate.

The State: Through **Mr. Shafi Muhammad Mahar, D.PG.**

Complainant: Mudasir Abbas son of Abbas Ali Jatt, **Through Mr. Muhammad Sulleman Deepar, Advocate.**

Date of hearing & order: **01.10.2026.**

Suresh Kumar J:- Through instant Criminal Bail Application applicant/accused Muhammad Nazir @ Nazir Ahmed Samore, seeks his pre arrest bail in Crime No.59 /2026 for the Offences Punishable U/Ss 457,381-A PPC registered at Police station Setharja District Khairpur.

2. The facts of the prosecution, as depicted in the FIR, are that on 24.07.2026, complainant Mudasir Abbas Jatt lodged an FIR at the aforementioned police station, stating that on 23.07.2026, while fitting work for water and electricity was being conducted in his house, he closed his house and went out. In the morning of 24.07.2026, when he opened the outer gate and went inside, he discovered that a solar panel, electric motor, and battery had been stolen. He noted the footprints of five persons and subsequently called his uncle Shafquat Ali, relative Jarar Hyder, and other individuals. Together, they tracked the footprints, which led them to the house of Sajid alias Mitho and the applicant/accused Muhammad Nazir alias Nazir Ahmed. Upon their approach, the accused assured them of the return of the stolen property. Thereafter, the complainant appeared at the police station in Setharja, where he lodged the FIR as stated above.

3. The applicant initially approached before the Court of Sessions Judge, Khairpur, for grant of pre-arrest bail which was dismissed vide order dated 30.07.2026, by learned Addl. Sessions Judge, Mirwah District Khairpur.

Being aggrieved by this dismissal order, the applicant has approached this Court.

4. I have heard learned counsel for applicant, Learned counsel for complainant and learned D.P.G Sindh assisted by learned counsel for complainant. Learned D.P.G concedes for confirmation of bail while learned counsel for complainant has strongly opposed the confirmation interim pre arrest bail to the applicant/accused.

5. Having given due consideration to the arguments advanced by the parties' counsel and having perused the material available on record, it is revealed from the perusal of the FIR that the alleged theft was committed on the night of 24.07.2026 from the house of the complainant. Subsequently, the complainant and other relatives began tracking the footprints of the culprits, which led them to the house of co-accused Sajid Ali alias Mitho, where the present applicant/accused Muhammad Nazir alias Nazir Ahmed was also present. The record further reveals that co-accused Sajid Ali alias Mitho was arrested, and recovery was also effected from his possession; however, he has been released on post-arrest bail. A release letter has been produced by the learned counsel for the applicant, which has also been confirmed by the learned DPG and the learned counsel for the complainant. The record further indicates that there is no incriminating material available to connect the present applicant/accused with the commission of the alleged offence, and his mere presence near the house of the co-accused does not suffice to establish guilt. Therefore, the case against the applicant/accused falls within the ambit of further inquiry. Moreover, since the main co-accused has already been granted post-arrest bail, no useful purpose would be served by refusing bail before arrest on the technical ground of absence of mala fide, especially if the applicant/accused has made out a case for bail based on the rule of consistency. Reliance is placed upon the case of Muhammad Ramzan v. Zaffarullah, reported in (1986 SCMR 1380). Furthermore, after the grant of

interim pre-arrest bail, the applicant/accused has been appearing before the trial court as well as this Court and has not misused the concession of interim pre-arrest bail.

9. For the foregoing reasons and the guidance taken from the above case law, I am of the considered view that the applicant/accused has made out a case for the confirmation of interim pre-arrest bail. Therefore, the interim pre-arrest bail granted to the applicant/accused on 03.08.2026 is confirmed on same terms and conditions, with a directions to appear before the trial court.

10. Needless to say that the above observations are tentative in nature and will not prejudice the case of either party at the time of trial.

JUDGE

Hizbullah

