

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

Criminal Bail Application No.S- 1335 of 2025

Date of hearing: 31.08.2026.

Date of order: 31.08.2026.

Mr. Waqar Ali Leghari, Advocate for applicant along with applicant (on bail).

Mr. Saeed Ahmed Mirjat, Advocate for complainant.

Mr. Altaf Khokhar, D.P.G for State.

ORDER

ABDUL MOBEEN LAKHO, J.- Applicant/accused Meer Murtaza seeks pre-arrest bail in Crime No.319/2025 registered at Police Station Jamshoro for offences u/s 397, 342 PPC. Previously, the applicant/accused applied for the same relief before the learned Additional Sessions Judge-I, Kotri but the same was declined vide order dated 18.10.2025.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Learned counsel appearing on behalf of the applicant contends that applicant is innocent and has falsely been implicated in the case in hand with malafide intention and ulterior motive of the complainant; that there is delay of one day in lodgment of FIR without any explanation; that co-accused have already been granted post arrest bail by the trial Court vide order dated 25.10.2025 hence on the rule of consistency the applicant is also entitled for the same relief. He lastly prayed for confirmation of interim pre-arrest bail.

4. On the other hand, learned counsel for the complainant as well as learned D.P.G vehemently opposed the confirmation of interim pre-arrest bail on the ground that this is a heinous offence against society and carries capital punishment.

5. Heard learned counsel for the parties and perused the entire material available on record.

6. It appears that the alleged incident occurred on 08.10.2025 at 09:30 p.m whereas the FIR was lodged by complainant on 09.10.2025 at 1600 hours though the distance between place of incident and Police Station is about 15/16 kilometers and further the complainant party has also claimed to have identified the accused persons with their specific role then the question arises why the complainant did not lodge the FIR promptly. The essential ingredients of Section 397 PPC which contemplates the robbery or dacoity accompanied by an attempt to cause death or grievous hurt are missing in the case in hand. No any independent witness has been shown to have seen the alleged incident. The case has been challaned and the present applicant is attending the trial regularly. Furthermore, the co-accused persons have already been granted post arrest bail by the trial Court having identical role to that of present applicant/accused hence on the rule of consistency the applicant is also entitled for the same relief. It is settled law that mere heinousness of offence or the offence applied carries maximum punishment, is no ground to intercept the concession of bail to an accused if otherwise attending circumstances may support his case. It is also settled law that every accused is to be presumed as blue eyed boy of law until and unless may be found guilty of alleged charge and law cannot be stretched upon in favour of prosecution particularly at bail stage.

7. In view of above discussion, the application of Sections applied is yet to be established by prosecution at the time of trial after recording evidence. It is also settled law that tentative assessment is to be made at bail stage and deeper appreciation of evidence is not permissible. Accordingly and in view of above, case against applicant requires further enquiry within the meaning of subsection (2) to Section 497 Cr.P.C. Consequently instant bail application is allowed and the interim pre-arrest bail already granted to applicant on 31.10.2025 is hereby confirmed on same terms and conditions. The applicant present is directed to continue his appearance before the Trial Court without fail till final decision of main case.

8. The observations made hereinabove are tentative in nature and shall not prejudice the case of either party at the time of trial.

JUDGE

Tufail