

THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

BEFORE:
Justice Arbab Ali Hakro
Justice Muhammad Osman Ali Hadi

Criminal Bail Application No. D-141 of 2026

[Abdul Raheem Shar Vs. The State]

Applicant : Through Mr. Saeed Ahmed Bijarani,
Advocate

The State : Through Mr. Nazir Ahmed Bhangwar,
Deputy Prosecutor General, Sindh
SIP Hazoor Bux Junejo of P.S
Kashmore

Date of Hearing : **22-10-2026**

Date of Order : **22-10-2026**

ORDER

ARBAB ALI HAKRO, J- Through this bail application under Section 497 Cr.P.C., the applicant/accused Abdul Raheem Shar seeks admission to post-arrest bail in Crime No.205/2022, registered at Police Station Kashmore, District Kashmore @ Kandhkot, under Sections 365-A, 148, 149 PPC read with Sections 6/7 of the Anti-Terrorism Act, 1997. The applicant earlier applied for post-arrest bail by filing Cr. Bail Application No.77 of 2026 in Special Case No.25/2026 before the learned Judge, Anti-Terrorism Court, Kashmore @ Kandhkot, but it was dismissed vide order dated 21.07.2026. Hence, he has approached this Court.

2. The prosecution case, as set out in the F.I.R. lodged on 16.12.2022 at about 1900 hours by complainant Raj Wali s/o Abdul Malik Afridi, is that he is a trader in 10-wheeler trucks. On 03.12.2022, he travelled to Kashmore from Karachi with his brother Imran Khan, his uncle Bakhat Ali, and his maternal uncle Kaleemullah. When they reached Farooqee Pump, his brother Imran received a mobile phone call informing him that a friend was coming on a motorcycle and that he should come and inspect the truck. A person then arrived on a motorcycle and took Imran away. At about 08:00 a.m., Imran contacted the complainant from an unknown mobile number, through unknown accused persons, and informed him that four unknown accused

had kidnapped him for ransom from Masoo curve towards the Katcha side. After the complainant returned to Karachi, he received calls from different numbers demanding Rs.2 Crores for Imran's release. Being poor, the complainant refused to pay. The complainant then reported the matter to the police, alleging that four unknown accused had kidnapped his brother for ransom.

3. After registration of the F.I.R., the police investigated the matter and submitted a challan under Section 512 Cr.P.C., listing all the accused as absconders. After his release, the abductee, Imran Khan, disclosed the applicant's name in his statement under Section 161 Cr.P.C recorded on 25.12.2022. The applicant was subsequently arrested and sent up for trial by a supplementary challan. His bail application before the learned trial Court was dismissed, as stated above.

4. Learned counsel for the applicant contends that the applicant is not named in the F.I.R., which was lodged against four unknown persons, without any description of their features, after a delay of thirteen days. His name first appeared in the abductee's statement under Section 161 Cr.P.C. The abductee, a resident of Landi Kotal, did not know the applicant before the occurrence, yet no identification parade was held after the arrest. No statement of the abductee or of any other witness was recorded under Section 164 Cr.P.C. Nothing was recovered from the applicant, and no ransom was paid. Counsel adds that the applicant was in jail in other cases, all of which have ended in his acquittal, and that the complainant is not appearing before the trial Court. He submits that the case calls for further inquiry under Section 497(2) Cr.P.C.

5. Conversely, the learned Deputy Prosecutor General opposes the application. He argues that, after his release, the abductee named the applicant and assigned him a specific role: the applicant arrived on a motorcycle and took the abductee to Masoo curve, where his co-accused were waiting. He adds that the offence falls within the prohibitory clause of Section 497 Cr.P.C., that the applicant remained a fugitive from justice for over three years, and that his co-accused are still absconding.

6. We have heard the learned counsel for the parties and examined the record with their assistance.

7. The F.I.R. was lodged against four unknown persons. It neither names the applicant nor describes any of the culprits. The only material connecting the applicant to the offence is the statement of the abductee, Imran Khan, under Section 161 Cr.P.C., recorded on the day of his release. In it, he says that the man on the motorcycle introduced himself as Abdul Raheem, son of Taj Muhammad Shar, and took him to Masoo curve, where armed men abducted him; he names the others after hearing them address one another during captivity. The abductee belongs to Landi Kotal, Khyber Agency, and does not claim to have known the applicant before. Even so, no identification parade was held after the applicant's arrest on 02.03.2026, and nothing on record shows that the abductee or any other witness was produced before a Magistrate under Section 164 Cr.P.C. No ransom was paid, and nothing was recovered from the applicant. Whether a kidnapper would disclose his full name and parentage to his victim, and whether the abductee's account of the applicant's identity can be relied upon without a test identification, are questions that only the evidence at trial can answer.

8. At the bail stage, the Court makes only a tentative assessment of the material collected by the prosecution, without a pre-trial inquiry or a full appreciation of the evidence. The prosecution must show reasonable grounds to believe that the accused committed an offence falling within the prohibitory clause, whereas the accused need only show that the material creates a reasonable doubt in the prosecution's case.¹ The gravity of the offence, by itself, is not a sufficient reason to refuse bail where the evidence offered in support of the charge leaves room for doubt.² Measured against this standard, the applicant's identity as the man on the motorcycle rests on the uncorroborated word of a witness who had never seen him before. The case against him therefore calls for further inquiry within the meaning of Section 497(2) Cr.P.C.

9. The applicant's absconsion does not alter this conclusion. Mere absconsion does not stand in the way of bail where the accused otherwise has a prima facie case on the merits.³ The record also shows that the applicant was formally arrested in this case from District Prison Shikarpur,

¹ *Zaigham Ashraf v. The State* 2016 SCMR 18, para 8.

² *Salman Mushtaq v. The State* 2024 SCMR 14, para 6.

³ *Mitho Pitafi v. The State* 2009 SCMR 299.

where he was already confined.⁴ Every case against him placed before us has since ended in acquittal, whether under Section 265-K or after trial under Section 265-H(i) Cr.P.C.⁵ Accordingly, the apprehension that he is a hardened or desperate criminal is not borne out by the record.

10. The progress of the trial points the same way. The charge was framed on 24.08.2026. The complainant was served on 14.09.2026 but did not appear, and on 05.10.2026 the complainant and the witnesses were again absent; the case now stands adjourned for evidence (n.4 above). The roznamcha entry produced by SIP Hazoor Bux Junejo records that, when contacted on his mobile, the complainant expressed his unwillingness to appear before the Court and said that he had no objection.⁶ In these circumstances, keeping the applicant in custody would serve no useful purpose, since the prosecution has yet to examine a single witness.

11. For the foregoing reasons, this bail application is **allowed**. The applicant, Abdul Raheem Shar, is admitted to post-arrest bail, subject to furnishing solvent surety in the sum of Rs.300,000/- (Rupees three hundred thousand only) and a P.R. bond in the like amount, to the satisfaction of the learned trial Court.

12. The observations made above are tentative and confined to the decision on this bail application. They shall not prejudice the case of either party at trial. If the applicant misuses the concession of bail, the prosecution/ complainant may move the learned trial Court for its cancellation.

JUDGE

JUDGE

Zulfiqar

⁴ Progress reports of the learned Judge, Anti-Terrorism Court Kashmore at Kandhkot, dated 19.09.2026 and 14.10.2026.

⁵ Order dated 16.03.2026 in CrI. M.A. No.02/2026 (Crime No.150/2012, P.S Kashmore) and order dated 17.03.2026 in CrI. M.A. No.03/2026 (Crime No.145/2012, P.S Kashmore), Assistant Sessions Judge, Kashmore; judgments dated 28.04.2026 in Sessions Case No.171/2026 (Crime No.01/2026, P.S Rasaldar), 20.05.2026 in Sessions Case No.211/2026 (Crime No.08/2026, P.S Ghulam Sarwar Sarki) and 19.06.2026 in Sessions Case No.312/2026 (Crime No.01/2026, P.S Haji Khan Shar), Sessions Judge, Kashmore at Kandhkot; order dated 23.07.2026 in Sessions Case No.165/2026 (Crime No.147/2019, P.S Daharki), Additional Sessions Judge, Daharki; and judgment dated 09.09.2026 in Sessions Case No.239/2026 (Crime No.10/2026, P.S Guddu), Additional Sessions Judge/MCTC, Kashmore, which records his earlier acquittal on 10.06.2026.

⁶ Roznamcha entry dated 21.10.2026 (1430 hours), P.S Kashmore.