

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

1st Cr. Bail Appln. No. S- 514 of 2026.

Applicant : Noor Din Dahani,
Through Mr. Ashfaq Hussain Abro, Advocate.

The State : Through Mr. Aitbar Ali Bullo,
Deputy Prosecutor General, Sindh.

Date of hearing & Order : **26.10.2026.**

ORDER

ARBAB ALI HAKRO, J.- Having been declined the plea for grant of post-arrest bail in Crime No. 09/2026, registered at P.S. Ghouspur, District Kashmore, at Kandhkot, for offences under Sections 395 and 397, PPC, vide order dated 18.09.2026 of the Court of the learned Additional Sessions Judge-II, Kandhkot, applicant/accused Noor Din Dahani has approached this Court with the same prayer.

2. In brief, the prosecution's facts are that on 06.02.2026 at about 9.00 p.m., near Naseer Bungalow link road, the applicant/accused, along with his 07 accomplices, armed with Kalashnikovs and lathies, intercepted complainant Abdul Qadir Ogahi and PWs Amanullah, Khuda Bux and Dhani Bux, who, after selling milk in Kandhkot town, were returning to their village on motorcycles. On resistance offered by the complainant party during the commission of robbery of their motorcycles, the culprits fired upon the complainant party; wherein accused Hidayatullah caused a fire-shot injury to PW Amanullah, accused Gul Hassan inflicted a KK butt blow to PW Dhani Bux, and accused Ghulam Sarwar, Noor Din (the applicant), Muhammad Khan and Manthar Ali inflicted lathi blows to PW Khuda Bux; thereafter, the accused persons drove away the robbed motorcycle of the complainant party. Hence, such FIR was lodged by the complainant on 09.02.2026 with Ghouspur Police Station.

3. Learned Counsel for the applicant argued that the applicant is innocent and has been falsely implicated by the complainant party in the context of previous enmity between the parties; that there is delay of 03 days in lodging the FIR despite the police station being only 7/8 kilometres from the place of incident, and no plausible explanation has been furnished; that no independent person is cited as a witness to the alleged incident; that the alleged incident is shown to have occurred in the odd hours of the night; that the role of inflicting a lathi blow on the thumb of the left hand to injured PW Khuda Bux is assigned to the applicant, which, per the medicolegal certificate of injured PW Khuda Bux, has been declared as *Ghayr Jaifah Damiyah* falling under Section 337-F(i), PPC, and carries punishment for only one year together with daman; that the case against the applicant requires further enquiry. Lastly, Learned Counsel urged that nothing incriminating has been recovered from the possession of the applicant; that the case has been challaned and the applicant is not required to appear before the police for further investigation. In support of his contentions, Learned Counsel placed reliance on the case reported in **2026 SCMR 1076**.

4. Conversely, learned DPG opposed the bail application, contending that the applicant is nominated in the FIR and is one of the robbers who, while committing the robbery, caused injuries to the PW Khuda Bux. In this regard, the medical evidence fully corroborates the ocular version. The PWs, in their 161 Cr.P.C. statements, have implicated the applicant in the commission of the offence. Therefore, the applicant is not entitled for concession of bail.

5. I have heard the learned counsel for the applicant and the learned Deputy Prosecutor General for the State, and I have gone through the material available on the record with their assistance.

6. The offences alleged against the applicant under Sections 395 and 397, PPC are punishable, respectively, with imprisonment for life or rigorous imprisonment which may extend to ten years, and with imprisonment of not less than seven years. They fall within the prohibitory clause of Section 497(1), Cr.P.C. Bail therefore cannot be claimed as of right, and the applicant must bring his case within Section 497(2), Cr.P.C., by showing, on a tentative assessment of the material, reasonable grounds for further inquiry into his guilt.¹ A deeper appreciation of the evidence is not permissible at this stage.

¹ *Tariq Bashir v. The State* PLD 1995 SC 34.

7. The applicant is nominated in the FIR with his parentage and a specific role. He is one of eight armed persons who intercepted the complainant party on the road, fired upon and beat them, and took away a motorcycle. The blow attributed to him fell on PW Khuda Bux. The ocular version is supported by the medical evidence, as PW Amanullah sustained a gunshot injury and PW Khuda Bux was found with injuries to his right arm, left thumb, left shoulder and left leg, all declared as *Ghayr Jaifah Damiyah*. The stress laid by the learned counsel on the nature of the injury attributed to the applicant overlooks that he is not charged with causing hurt alone. He is accused of taking part, along with armed co-accused, in a dacoity during which firearms and lathi blows were inflicted, and the extent of his share in the common object is a matter for evidence at trial, not for a bail order.

8. The three-day delay in lodging the FIR is explained in the FIR itself. The complainant states that after the incident he took the injured to the police station, obtained letters for treatment, brought them to RHC Ghouspur, from where PW Amanullah and PW Dhani Bux were referred to Sukkur, and that he reported the matter after the treatment was over. The medico-legal certificate of PW Khuda Bux bears the date of examination as 06.02.2026, the date of the incident. The time spent getting the injured treated is not unnatural, and the delay, as explained, does not, by itself, make the case one for further inquiry.

9. The plea of false implication arising from previous enmity is a bare assertion; nothing has been placed on record to support it or to show why the complainant party, who admittedly received injuries, would falsely implicate the applicant. The accused are named with their parentage and, according to the FIR, were seen in the headlights of the motorcycle and with hand torches while standing on the road and stopping the victims at close range. Whether the light was sufficient to identify them is a matter for evidence and cannot be held against the prosecution at this stage. The absence of an independent witness to a night-time robbery on a link road is not unusual, and the lack of recovery from the applicant or his custody after submission of the challan does not, by itself, entitle him to bail in an offence of this class.

10. Learned counsel for the applicant relied on the case reported as **2026 SCMR 1076** to support the principle that the benefit of the doubt can be extended even at the bail stage. That principle presupposes a doubt visible on the record. As discussed above, no such doubt is apparent here, and the case law relied on therefore does not advance the applicant's plea.

11. In view of the above, the applicant has not made out a case for further inquiry under Section 497(2) Cr.P.C. Accordingly, the instant bail application is **dismissed**. The observations made herein are tentative and shall not prejudice either party at the trial.

JUDGE

Qazi Tahir PA/*