

HIGH COURT OF SINDH CIRCUIT COURT, HYDERABAD

Cr. Bail Application No.S-456 of 2026

[Muhammad Soomar vs. The State]

Applicant	:	Muhammad Soomar Through Mr. Ayaz Muhammad Ghanghro advocate
Complainant	:	Zaheer Ahmed None present
Respondent	:	The State through Mr. Irfan Ali Talpur, Deputy Prosecutor General
Date of Hearing	:	25.08.2026
Date of Decision	:	25.08.2026

ORDER

JAWAD AKBAR SARWANA J:- The applicant/accused Muhammad Soomar S/o Imam Bux seeks post-arrest bail in Crime No.313 of 2025 registered under Section 397 and 34 PPC at P.S Husri after his post-arrest bail having been declined by the 1st Additional Sessions Judge Hyderabad vide Order dated 19.03.2026 passed in Criminal Bail Application No.S-588 of 2026.

2. The background of the matter as set out in the FIR and for the sake of brevity the same is not reproduced and may be read in to this paragraph ad seriatim.

3. Counsel for the applicant contended that FIR in respect of the present crime was lodged after two days' delay as alleged in the FIR the event occurred on 07.09.2025 at 1200 hours and was reported by the complainant on 09.09.2025 at 1800 hours. He contended that this itself creates doubt due to late lodgement of FIR which remains unexplained, even if one takes it in account that Gul Muhammad was injured. Counsel further submits that it was alleged that all accused had their faces covered and they were not nominated in FIR, yet no identification parade was conducted in this regard. Counsel argued that the FIR reports that there was one straight fire with the injured sitting inside the vehicle, yet the location of the bullet was not inside the vehicle but was allegedly found two days later lying at the place of incident on a public road, which also calls for further inquiry. He contended that only after one accused, namely

Muhammad Nawaz, described in the FIR as a langra, who was already in custody and involved in a police encounter, did the complainant, Zaheer Ahmed, nominate the applicant/accused. He submitted that although the Investigation Officer had submitted the final MLC, the Doctor's name, who had signed the MLC, was not included in the challan as available on record.

4. The complainant was present on 20.07.2026 and had sought time to engage counsel, but on the last date of hearing and, once again, today as well, no one is present on his behalf. The Court cannot wait for the complainant endlessly; therefore, the matter is proceeded with the able assistance of learned Deputy Prosecutor General.

5. Learned Deputy Prosecutor General vehemently opposed the submissions and concession of bail and contended that the applicant/accused is a habitual offender and nominated in several crimes. He referred to the four other FIRs, including the FIR which is the subject matter of this post-arrest bail application. He stated that, in fact, when the applicant/accused was arrested, he was found having cash of Rs.2,00,000/-, one pistol and one 125 motorbike.

6. Heard learned counsel for the parties and perused the record.

7. The crime allegedly took place on 07.09.2025, yet it took two days for the crime to be reported. No explanation is given for this delay in reporting, particularly when the FIR records that a large contingent of persons were seated in the car and that the vehicle was allegedly met by the three accused on a public road, apparently armed, as described in the FIR. It is surprising that the motorbike, identified as a black 125 Honda as per the memo of arrest, yet in the recovery memo, the said vehicle is/was described simply as "one motorbike," and no description is given in the police papers. It is common ground that the accused had their faces covered, yet when the applicant was taken into custody, he was already in custody following a police encounter, and no identification parade was carried out. It is surprising too that the Suzuki vehicle is missing in the challan, particularly as the FIR narrates that Gul Muhammad received a bullet while seated inside the Suzuki and blood oozed too, which makes the Suzuki relevant. It is also noted that while the memo of arrest and recovery mentions the quantum of cash, it is yet to be proved whether the cash was squarely in relation to the alleged robbery or otherwise. For these reasons, the matter requires further inquiry.

8. Finally, turning to the issue of previous FIRs. It seems that out of four FIRs, one pertains to the year 2022, i.e FIR No. 05/2022 registered

under Section 397 PPC; however, the remaining three are offshoot FIRs arising out of the main FIR in respect of which the applicant/accused seeks bail.

9. In view of the foregoing, the applicant/accused has successfully made out a case for further inquiry. Accordingly, this bail application is allowed, and in consequence whereof the applicant/accused is admitted to post-arrest bail in Crime No.313 of 2025 registered under Section 397 and 34 PPC at P.S Husri, subject to furnishing a solvent surety in the sum of Rs.2,00,000/- (Two Hundred Thousand Only) and a P.R Bond in the like amount to the satisfaction of learned trial Court.

10. Needless to state that observations recorded above are tentative in nature and the same shall not influence the trial proceedings.

11. Bail Application stands allowed in the above terms.

JUDGE

Sajad Ali Jessar