

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-453 of 2026

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Applicant By: Mr. Abdul Hafiz Mari, Advocate.
State By: Mr. Neel Parkash, D.P.G Sindh.
Complainant By: Mr. Ali Hassan Chandio, Advocate.
Date of Hearing: 14.09.2026
Date of Order: 14.09.2026

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ORDER

Muhammad Humayon Khan, J.: The Applicant, Muhammad Nawaz, has been nominated in Crime No.91 of 2026 registered at Police Station Mangli under Sections 392, 337-H(ii) and 34 of the Pakistan Penal Code. His post-arrest bail application before the learned Additional Sessions Judge-I, Sanghar, was dismissed vide order dated 19.08.2026 and he has, therefore, approached this Court for the same relief.

2. The prosecution case, briefly stated, is that on 31.07.2026 at about 11:45 p.m, complainant Dilbar and his family members awoke upon hearing the sound of a motorcycle outside their house. It is alleged that, in the light of solar lamps, they identified the Applicant accompanied by two unidentified persons with muffled faces, all armed with pistols. Upon the complainant party raising cries, the accused allegedly resorted to aerial firing, whereafter the Applicant kept the complainant party at gunpoint while his two companions entered the house. After the accused had left, the complainant checked the household articles and found gold ornaments weighing one and a half tolas and cash amounting to Rs.70,000/- missing from an almirah. The FIR was lodged on 01.08.2026 at about 8:00 p.m., after the complainant had allegedly approached respectable persons of the locality for return of the property.

3. Mr. Abdul Hafiz Mari, learned counsel for the Applicant, contended that the FIR was lodged with delay; that the Applicant

remained in police custody for four days, yet no recovery was effected from him; and that the alleged identification of the Applicant at night in solar light is doubtful. He further submitted that, despite the allegation of aerial firing, not a single empty cartridge was recovered from the place of occurrence. He accordingly prayed for grant of post-arrest bail and relied upon case laws viz: 2011 YLR 1795 [Karachi] and 2011 P. Cr.L.J 445 [Karachi].

4. Conversely, Mr. Ali Hassan Chandio, learned counsel for the complainant, opposed the application and submitted that the Applicant is specifically nominated in the FIR with the direct role of keeping the complainant party at gunpoint while his companions committed the robbery. He further contended that the Applicant was armed with a pistol and participated in aerial firing; that the delay in lodging the FIR has been satisfactorily explained, as the complainant initially approached respectable persons of the locality for return of the robbed property. He prayed for dismissal of the application and relied upon the case laws viz: 2020 SCMR 1183 [Supreme Court of Pakistan] and 2020 P. Cr. L.J Note 201 [Sindh].

5. Mr. Neel Parkash, learned Deputy Prosecutor General Sindh, also opposed the grant of bail and supported the prosecution case.

6. After hearing learned counsel for the applicant, learned counsel for the complainant and learned Deputy Prosecutor General for the State, and going through the record, I am inclined to grant bail for the following reasons:

- i. The occurrence allegedly took place at night and the Applicant is stated to have been identified in the light of solar lamps. However, the said source of illumination does not find mention in the memo. The manner and reliability of such identification, therefore, require examination through evidence and cannot be conclusively determined at the bail stage.
- ii. The Applicant remained in police custody for four days, yet neither the alleged robbed property nor the pistol attributed to him was recovered. Likewise, despite the allegation that the accused resorted to aerial firing, no empty cartridge was recovered from the place of occurrence. These circumstances, though not by themselves sufficient to determine the

prosecution case, are relevant at the tentative stage while assessing the question of further inquiry.

- iii. The FIR was lodged on the following day. The complainant has explained the delay by stating that he initially approached respectable persons of the locality for return of the allegedly robbed property. The sufficiency of such explanation and its effect upon the spontaneity of the prosecution version are matters to be examined at trial. The delay is, therefore, not being treated as an independent ground for bail but is being considered along with the questions of identification and non-recovery.
- iv. Although the Applicant is specifically nominated in the FIR and has been assigned the role of keeping the complainant party at gunpoint, the material presently available does not show any recovery from his possession which may independently connect him with the alleged robbery. The supporting statements of the prosecution witnesses would also require evaluation at trial along with the other attending circumstances.
- v. When the above circumstances are considered cumulatively, particularly the question surrounding identification at night, the absence of recovery of the allegedly robbed property and weapon, and the non-recovery of empty cartridges despite the allegation of firing, the case appears to call for further inquiry within the meaning of Section 497(2) Cr.P.C.
- vi. It is also material that the investigation has already been completed and the challan has been submitted. The Applicant is, therefore, no longer required for the purpose of further investigation.

7. For these reasons, the instant bail application is allowed and the Applicant is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Lacs only) and P.R Bond in the like amount to the satisfaction of the learned Trial Court.

8. It is clarified that the observations made above are tentative in nature and shall not prejudice the case of either party at the trial. The learned Trial Court shall decide the case independently on the basis of the evidence brought before it.

JUDGE