

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**Crl. Bail Application No. S-649 of 2026**

Applicant: Atta Muhammad Brohi son of Wazir Khan Brohi, **through** Mr. Kashif Hussain Shaikh, Advocate.

The State **Through** Mr. Shafi Muhammad Mahar, Deputy Prosecutor General, Sindh.

Date of hearing & Orders: 15-09-2026.

ORDER.

Suresh Kumar, J.--- Through, instant bail application, the applicant named above seeks post arrest bail in a case bearing Crime No. 158/2026, offence u/s 381-A PPC registered at Police Station C-Section Sukkur.

2. The facts of the prosecution case, as depicted in the FIR lodged by complainant Jawad Muhammad Pathan on 28-04-2026, allege that on the day of the report, he, along with Anwar Khan and Malik Aziz, traveled from Rohri to the DHO Office in Sukkur in his car. At approximately 1:20 PM, he parked his car near Sweet Home, and then they proceeded to the DHO Office in Sukkur, where they remained occupied. At around 2:20 PM, when they exited, they discovered that his car was missing and had been stolen. Ultimately, the complainant reported to the police station and lodged the aforementioned FIR.

3. I have heard learned counsel appearing on behalf of the applicant/accused and learned Deputy P.G for the State, who has strongly opposed the bail application.

4. Having given due consideration to the arguments advanced by the learned counsel for the applicant, as well as the learned DPG for the State, and having perused the record, it is revealed from the perusal of the FIR

that the applicant is not nominated therein. However, he has been implicated on the basis of the recovery of the stolen car, for which a separate FIR has also been registered under Section 411 of the PPC, in which the applicant has been granted bail by the Court of Sessions. No one has witnessed the lifting of the car by the applicant, and no evidence to that effect is available on record; therefore, it is yet to be determined at the time of trial whether Section 381-A or 411 of the PPC is applicable. In similar circumstances, the Hon'ble Supreme Court, in the case of Muhammad Tanveer v. The State (PLD 2017 Supreme Court 733), has held as follows:

S. 497(2)---Penal Code (XLV of 1860), Ss. 381-A & 411---Theft of motor vehicle, dishonestly receiving stolen property---Bail grant of---Further inquiry---Accused was alleged to have stolen a motorbike, which was subsequently recovered from his house---No one had witnessed the lifting of the motorbike and no evidence to that effect was available on record; therefore, the insertion of S.381-A, P.P.C, in the charge against accused appeared no only unjustified but also spoke about mala fide of the police---Question as to whether in the peculiar circumstances of the case, the petitioner was liable to be prosecuted under S.381-A, P.P.C or 411 PPC, was a debatable question to which the Trial Court could give due consideration – None of the two offences with which accused was charged were punishable with imprisonment falling within the prohibitory limo of S. of 497, Cr.P.C thus, refusal to grant bail to the accused would be highly unjustified---Accused was granted bail accordingly.

5. Moreover, the alleged offence is punishable upto seven years and does not fall within the prohibitory clause of section 497 Cr.P.C. It is well settled law that when the offence does not fall within prohibitory clause, then bail is the rule and refusal is the exception. Learned DPG has failed to

point out any exception in the case of present applicant/accused. Reliance is placed on the case of Imtiaz Ali Vs. The State (2025 P.Cr.L.J 786) Sindh and Tariq Bashir Vs The State PLD 1995 SC 34.

6. For the foregoing reasons above and guidelines taken from the above case laws, I am of considered view that the applicant/accused has successfully made out a case for the grant of bail, therefore, he is admitted to bail subject to furnishing solvent surety in the sum of Rs. 50,000/- (Fifty thousand) and P.R bond in the like amount to the satisfaction of learned trial Court.

7. Needless to say that the above observations are tentative in nature and will not prejudice the case of either party at the time of trial.

J U D G E