

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Bail Appl. No. S-1007 of 2026
[Harichand Thakur v. The State]

24.08.2026

For orders on office objections
For hearing of main case

Mr. Mazhar Hussain Brohi Advocate along with applicant on interim pre-arrest bail
Complainant present in person
Ms. Rameshan Oad, D.P.G. along with I.O./ASI Ghulam Shabir Abro

ORDER

Abdul Mobeen Lakho, J.- Applicant Harichand Thakur seek pre-arrest bail in Crime No. 281 of 2026 registered at Police Station Tando Muhammad Khan, for offences under Sections 380, 34 PPC, after dismissal of his application for pre-arrest bail by the learned Sessions Judge, Tando Muhammad Khan, vide order dated 28.07.2026.

2. Briefly stated, the allegation against the applicant is that he, along with co-accused Muhammad Rahim, was working as a laborer at the shop of the complainant. On 10.07.2026, both accused allegedly went to the storeroom of the shop to bring certain articles and remained there for some time. Thereafter, complainant along with Tayab and Raja went to the storeroom for checking and allegedly found certain articles missing. On the following day, the complainant inquired from Muhammad Rahim Mallah and the applicant regarding the missing articles, but they allegedly denied involvement and thereafter did not return to work. It is further alleged that an amount of Rs.100,000/- was also stolen from the cash counter. Consequently, the complainant lodged the FIR, leading to the present bail application.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated at the instance of the headman of the village, who is inimical towards him; that the FIR was lodged with an unexplained delay of nine days; that there is no eyewitness to the alleged occurrence; that the applicant was nominated merely on suspicion; and that the prosecution witnesses are interested. Learned counsel further submits that the applicant has remained on interim pre-arrest bail without misusing the concession. He, therefore, prays for confirmation of the interim pre-arrest bail already granted by this Court.

4. On the other hand, learned DPG appearing for the State has opposed the bail application and supported the impugned order; however, she could not point out any

material sufficient to establish, at this stage, the applicant's direct involvement in the alleged theft or to justify his arrest.

5. I have heard the learned counsel for the parties and have examined the available material with their assistance. It appears that the prosecution case is based upon suspicion arising from the fact that the applicant and co-accused had access to the storeroom in their capacity as labourers. There is no eyewitness account showing the applicant removing or possessing the allegedly stolen articles or the cash amount. The question as to whether mere presence in or access to the storeroom constitutes sufficient evidence of participation in the alleged offence is a matter requiring further inquiry and cannot be conclusively determined at the stage of bail. The delay of nine days in lodging the FIR is another circumstance which requires consideration. In the present case, no satisfactory explanation for such delay has been furnished. So far as the extraordinary relief of pre-arrest bail is concerned, the same is intended to protect an accused from arrest where the circumstances demonstrate that the arrest is being sought for purposes other than lawful investigation or bringing the accused to justice. In the present case, the material presently available does not disclose any compelling circumstance necessitating the arrest of the applicant. Another relevant consideration is that the applicant has remained on interim pre-arrest bail pursuant to the order of this Court. Nothing has been brought on record to suggest that during this period he misused the concession of bail, attempted to influence or intimidate the prosecution witnesses, tampered with the evidence, or otherwise obstructed the course of investigation or proceedings. His conduct while enjoying interim bail, therefore, does not furnish any ground for withdrawing the concession already extended to him. Deeper appreciation of the evidence is not permissible at bail stage. On tentative assessment of the material presently available, the case against the applicant calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

6. In view of above, I am of the opinion that at this stage the applicant has made out a case for pre-arrest bail. Accordingly, instant bail application is allowed and the interim pre-arrest bail earlier granted to the applicants vide order dated 31.07.2026 is hereby confirmed on the same terms and conditions.

The observations made hereinabove are tentative in nature and would not prejudice the case of either party at trial.

JUDGE