HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Criminal Bail Application No.S-1163 of 2026

Applicant:	Muhammad Rahim through Mr. Muzafar Hussain Brohi, Advocate.
Respondent:	The State through Mr. Irfan Ali Talpur, Deputy Prosecutor General, Sindh.
Complainant:	Haji Younis present in person.
Date of hearing:	28.10.2026.
Date of order:	28.10.2026.

O R D E R

MUHAMMAD HUMAYON KHAN, J. — Through this application, applicant Muhammad Raheem son of Jaro Muhammad seeks post-arrest bail in Crime No.281/2026 of Police Station Tando Muhammad Khan, for the offence under section 380, 34, PPC. His earlier application was dismissed by the learned Sessions Judge, Tando Muhammad Khan, on 28.07.2026.

2. Briefly, complainant Haji Younis alleged that on 10.07.2026 the applicant and co-accused Harichand, employed as labourers at his shop, visited its godown and remained there for some time. On checking, tea packets and seven cans of ghee were found missing. Both denied involvement when questioned and allegedly stopped attending work. Theft of Rs.100,000/- at different times was also alleged. The FIR was lodged on 19.07.2026.

3. Learned counsel for the applicant contends that the applicant has been falsely implicated; nobody witnessed him removing the articles or cash; and the FIR was lodged after nine days. He disputes the alleged recovery and submits that its evidentiary worth requires examination at trial. He further urges that the offence falls outside the prohibitory clause of Section 497(1), Cr.P.C., and co-accused Harichand has already been admitted to bail.

4. Conversely, learned D.P.G., Sindh and complainant oppose the application, contending that the applicant is nominated in the FIR and one 16-kilogram can each of Naz and Soya Supreme ghee was recovered on his pointation. Such recovery, according to the prosecution, connects him with the stolen property and distinguishes his case from that of the co-accused. He, therefore, prayed for dismissal of bail.

5. I have considered the submissions and examined the available material. Section 380, P.P.C., carries imprisonment extending to seven years and fine; the offence, therefore, does not fall within the prohibitory clause of Section 497(1), Cr.P.C. In *TARIQ BASHIR and others v. The STATE* (PLD 1995 SC 34), the Supreme Court held that grant of bail in such offences is the rule and refusal an exception. The principle was reaffirmed in *MUHAMMAD TANVEER v. The STATE and another* (PLD 2017 SC 733). Refusal must rest upon circumstances justifying continued detention, including a likelihood of abscondence, interference with evidence or repetition of the offence; the accusation alone does not supply that justification.

6. The alleged recovery, even if provisionally accepted, it does not bring the offence within the prohibitory clause or, by itself, establish an exceptional ground for withholding bail. There is no direct account of the applicant removing the property; the accusation initially arose from his access to the godown and the subsequent discovery of missing goods. Although the complainant mentions approaching the accused persons' relatives, the adequacy of that explanation for the nine-day interval requires examination. The alleged theft of cash at different times likewise lacks a direct account in the material placed before this Court. These matters, together with the disputed recovery, are for determination upon evidence and cannot be conclusively resolved at the bail stage. Co-accused Harichand Thakur's interim pre-arrest bail was confirmed by this Court on 24.08.2026 in Criminal Bail Application No.S-1007 of 2026 upon a finding of further inquiry. The alleged recovery distinguishes the present applicant's case, and parity is consequently not the sole basis for relief. Nevertheless, the common accusation concerning access to the godown, considered alongside the non-prohibitory punishment and absence of any demonstrated exceptional circumstance, supports the exercise of discretion in his favour.

7. For the foregoing reasons, the application is **allowed**. Applicant Muhammad Raheem is admitted to post-arrest bail subject to furnishing a solvent surety in the sum of Rs.50,000/- (Rupees fifty thousand only) and a PR bond in the like amount, to the satisfaction of the learned trial Court.

8. These observations are tentative, confined to disposal of this application, and shall not influence the learned trial Court in deciding the case on its merits.

JUDGE

Abdullah Channa/PS