

THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Criminal Bail Application No.S-280 of 2025

Applicant : Muhammad Younis son of Muhammad Yousuf,
Through Mr. Ali Bux Mashori, Advocate

Respondent : The State
Through Mr. Nazir Ahmed Bhangwar, Deputy
Prosecutor General for the State.

Date of hearing : 02-07-2025

Date of order : 02-07-2025

ORDER

KHALID HUSSAIN SHAHANI, J.--- Through instant Criminal Bail Application, applicant seeks pre-arrest bail in Crime No. 49/2025, offence under Sections 506/2, 420 P.P.C. of the Police Station Taluka, Larkana. Prior to this, he filed such application, but the same was turned down by the Court of Additional Sessions Judge-III, Larkana vide order dated 27.05.2025.

2. The prosecution theory as set forth in F.I.R. is that on May 20, 2022, the complainant purchased a Car AFR Alto VXR Model 2021 (engine No:203134 and Chassis No: 1103042) for Rs.1,650,000/- from Nisar Ahmed. An agreement to that extent was reduced to writing, but the accused allegedly kept the complainant in hollow hopes regarding the car documents. On May 16, 2025, at about 02:00 p.m, the complainant and his friend Faisal Haneef met Nisar Ahmed Tunio near Brohi Hotel, Mare Chowk, Larkana, to demand the car documents. At that time, the accused Nisar Ahmed allegedly threatened the complainant for dire consequences, on show of weapons. Other individuals intervened, and the accused, Nisar Ahmed, continued issuing murder threats before leaving for his house. The F.I.R. further alleges that the accused committed fraud by selling the car without providing documents and issued murder threats when the documents were demanded.

3. Per learned counsel, the applicant is innocent and he has been falsely implicated in this case by the complainant with mala fide intention and ulterior motives due to previous hostility over purchase of vehicle; that there is delay of two days in lodgment of F.I.R, which has not been plausibly explained by the complainant, that notice, the complainant

has not turned up; that the witness mentioned in the F.I.R. is friend of complainant, that the case does not fall within ambit of prohibitory clause of section 497 Cr.P.C. He further added that the case has been challaned and the applicant/accused is no more required for further investigation. He lastly prayed that interim pre-arrest bail granted to the applicant may be confirmed.

4. Notice issued to the complainant has returned served, however, he is called absent. Learned DPG for the State reluctantly conceded to the grant of bail to applicant/accused as the case does not fall within ambit of prohibitory clause of section 497 Cr.P.C.

5. Heard and perused. Admittedly, there is dispute over some vehicle and name of the applicant/accused is mentioned in F.I.R. however, section 420 P.P.C is bailable and Section 506/2 P.P.C is though not bailable; however, it is yet to be determined at the time of trial after recording pro and contra evidence as to whether the applicant/accused has issued threats of dire consequences to the complainant or not and whether this section attracts to the facts and circumstances of the case. Case has been challaned and the applicant/accused is not required for further investigation. No purpose would be served if the applicant is detained. However, learned counsel for the applicant/accused pleaded malafide on the part of the complainant. Learned counsel for the applicant/accused has made out case for grant of bail under sub-section (2) of section 497 Cr.P.C. Accordingly, the bail application is allowed, interim pre-arrest granted to the applicant/accused vide order dated 02.06.2025 is hereby confirmed on the same terms and condition with the directions to join investigation/trial.

6. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of either party at trial.

JUDGE

Asghar Altaf/P.A