

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Cr. Bail Application No. S-300 of 2025 final

Applicant: Raza Ali s/o Buxal Solangi,
Through Mr. Ali Muhammad Zardari,
Advocate.

Respondent: The State
Through Mr. Aitbar Ali Bullo, Deputy
Prosecutor General, Sindh

Date of hearing: 31-07-2025

Date of order: 31-07-2025

ORDER

KHALID HUSSAIN SHAHANI, J:- The applicant, Raza Ali Solangi, has filed the present application seeking post-arrest bail in a case bearing Crime No.06/2025, registered at Police Station Radhan Station, District Dadu, for offences under Sections 397 and 394 PPC. The applicant's initial plea for bail was previously declined by the learned II-Additional Sessions Judge, Mehar, on May 23, 2025.

2. The prosecution's case, as articulated in the FIR lodged by complainant Imtiaz Ali Chano on January 15, 2025, avers that on the preceding day at 1900 hours, the applicant, along with his co-accused, committed a robbery of cash from the complainant and PW Manzoor Ali. It is further alleged that during an attempt to rob the complainant's motorcycle, co-accused Darya Khan fired a shot, injuring the complainant in the leg and the applicant in the arm. The FIR concludes by stating that police, having been alerted by the commotion, arrested co-accused Darya Khan at the scene.

3. Learned counsel Mr. Ali Muhammad Zardari, has persuasively argued that the applicant is innocent and has been falsely implicated with malicious intent. The learned counsel has pointed to several glaring discrepancies that render the prosecution's story highly doubtful. Firstly, a significant and unexplained delay of one day in the lodging of the FIR casts serious suspicion on its contents. Furthermore, the prosecution's claim is internally inconsistent, as the FIR makes no mention of the applicant's arrest at the scene, yet the memo of arrest and recovery, submitted by the prosecution itself, indicates that he was apprehended there. Most critically, the medical evidence directly contradicts the ocular account. While the FIR alleges that the complainant sustained a firearm injury, his medical certificate distinctly states that his injuries were caused by a "hard and blunt substance," thereby negating the prosecution's core allegation. This significant divergence in evidence corroborates the counsel's submission that the applicant was in fact seized by an enemy, one Abdul Hafeez Jatoi, who then allegedly injured him and fabricated a false story to implicate him in the alleged offence. The counsel further highlighted that no recovery of any weapon was made from the applicant, despite his alleged presence with a pistol. Based on these compelling contradictions, it has been asserted that the applicant's case falls squarely within the category of further inquiry.

4. The learned Deputy Prosecutor General, representing the State, has offered no objection to the grant of bail, conceding that the medical evidence does not support the prosecution's theory. The State's concession further strengthens the view that the prosecution has not been able to make out a prima facie case against the applicant.

5. Having thoroughly considered the arguments and examined the material on record, this Court finds substantial merit in the submissions of the learned counsel for the applicant. The notable delay in the FIR, the clear contradiction between the FIR and the memo of arrest, and the absolute lack of corroboration of the complainant's firearm injury from the medical report all lead to the inevitable conclusion that the case against the applicant is one that requires further inquiry as contemplated under Section 497(2) Cr.P.C. As the case has already been challaned, the applicant's continued detention is no longer necessary for the purposes of investigation.

6. Therefore, in light of the above circumstances, the applicant has succeeded in making out a case for further inquiry. The application for post-arrest bail is allowed, and the applicant is hereby directed to be released on bail subject to his furnishing a solvent surety in the sum of Rs. 100,000/- (Rupees One Lac) and a Personal Recognizance (P.R) bond in the like amount to the satisfaction of the learned trial Court.

J U D G E