

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

Cr. Bail Appln. No.S- 202 of 2025.

| DATE OF HEARING | ORDER WITH SIGNATURE OF HON'BLE JUDGE |
|-----------------|---------------------------------------|
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- 1.For orders on office objection as flag A.
- 2.For orders on M.A No. 2082/2025.
- 3.For orders on M.A No. 2083/2025.
- 4.For hearing of bail Application.

21.5.2025.

Mr. Mukhtiar Ali Rind, advocate for the applicant.

Mr. Aitbar Ali Bullo, D.P.G.

O R D E R.

AMJAD ALI SAHITO-J.- Through this bail application, applicant Muhammad Ismail Dahri is seeking post arrest bail in Crime No.59 of 2024 of P.S Garhi Khairo Jacobabad under Section 9 (i) 3(e) CNS (Amendment) Act 2022, after dismissal of his bail plea by learned Trial Court vide impugned order dated 26.3.2025.

2. Details and particulars of the FIR are already available in the memo of instant bail application, same can also be gathered from the copy of FIR attached with the application, hence need not to reproduce the same hereunder.

3. Per learned counsel, applicant is innocent and has been falsely implicated in this case with malafide and ulterior motives; name of applicant does not transpire in the FIR; nothing was recovered from the possession of applicant even then he has been implicated in this case; all the prosecution witnesses and mashirs are police personnel and subordinates of the complainant hence they are highly interested and partisan and no such incident has taken place as alleged in the FIR. He further submits that applicant is in jail and he is no more required for further investigation. On all these submissions he prayed that prosecution case against applicant calls for further enquiry and he is entitled to the concession of bail.

4. Learned D.P.G opposed the grant of bail and supported impugned order.

5. Heard learned counsel for the applicant as well as learned D.P.G and perused the material brought on record.

6. Admittedly name of applicant does not appear in the FIR and no incriminating narcotics substance was recovered from his possession. On the last date of hearing concerned I.O and SSP Jacobabad were called who are present today and I.O states that one Anwar Ali deposed against present applicant that he is owner of the car. When confronted that whether name of said Anwar Ali is mentioned in the report under Section 173 Cr.P.C/charge sheet, he has replied in negative. Nothing has been brought on record to connect the applicant with the commission of crime. Applicant is in jail and he is no more required for further investigation nor his further detention will improve the prosecution case.

7. In view of above I am of the considered view that prosecution case against the applicant calls for further enquiry under subsection 2 of Section 497 Cr.P.C. Resultantly instant bail application is allowed. Applicant is admitted to post arrest bail subject to furnishing solvent surety in the sum of Rs.50,000/= and P.R bond in the like amount to the satisfaction of trial Court.

Needless to say, observations made herein above are tentative in nature and would not prejudice the case of either side while deciding fate of the case by trial Court.

JUDGE

Shabir/P.S