

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Applications No.S-911, 912 & 913 of 2025

[Allah Jurio vs. The State]

Applicant	Allah Jurio: through Mr. Mazhar Ali Leghari advocate
Complainant	Sajjad Ali: None present
State	Through Mr. Irfan Ali Talpur Deputy Prosecutor General
Date of hearing	08.09.2025
Date of Order	08.09.2025

ORDER

TASNEEM SULTANA, J.- Through this common order, applicant Allah Jurio seeks post-arrest bail in respect of Crime No.256 of 2025 under Sections 397/34 PPC, Crime No.258 of 2025 under Sections 353, 324/34 PPC and Crime No.259 of 2025 under Section 25 of the Sindh Arms Act, all registered at Police Station Husri/Seri, Hyderabad. His earlier bail pleas were declined by the learned trial Court vide orders dated 08.08.2025.

2. Brief facts as per prosecution case are that on 28.05.2025 at about 1800 hours, complainant Sajjad Ali, accompanied by his cousin Liaqat Ali, was returning from Tando Jam University on a motorcycle. When they reached near Husri-Seri road, three culprits, subsequently identified as Allah Jurio, Shabir Gopang and Sartaj Leghari, intercepted them. The culprits, on the show of weapons, stopped the complainant and his cousin, forcibly deprived him of his motorcycle and cash, and thereafter fled away. The complainant stated that although he had seen their faces at the time of incident, their names became known to him upon inquiry in the locality, where-after FIR No.256 of 2025 was registered under Sections 397/34 PPC at Police Station Husri/Seri.

Thereafter, on 23.07.2025, ASI Muhammad Tahir Chandio, while on patrol duty, received spy information that the culprits of aforesaid robbery case, together with the robbed motorcycle, are present at Benazir Housing Scheme near Achhi Mori link road. Acting upon such information, the police party reached the pointed

place where three suspects were seen. Upon being signaled to stop, they allegedly resorted to straight firing with intent to kill the police party. In retaliation, police also made firing and the present applicant Allah Jurio was apprehended at the spot in an injured condition, whereas his co-accused Shabir Gopang and Sartaj Leghari managed to escape. Upon this incident FIR No.258 of 2025 was registered under Sections 353, 324/34 PPC. During personal search of present the applicant firearm is alleged to have been recovered, for which he failed to produce valid license. Accordingly, a separate case was registered against him as FIR No.259 of 2025 under Section 25 of the Sindh Arms Act, 2013.

3. Learned counsel for the applicant contended that the applicant has been falsely implicated due to local rivalry and malafide intention of police; that FIR No.256 of 2025 was lodged with unexplained delay of more than three weeks from the incident, which renders the complainant's version doubtful; that the alleged encounter in FIR No.258 of 2025 is fabricated, asserting that the applicant was picked up earlier and falsely shown as arrested in a staged police encounter; that no independent person from the locality was associated as mashir or witness despite the area being populated, which makes the recoveries of motorcycle and revolver doubtful; that the applicant has been incarcerated since arrest, the case against him is not free from doubt, and at the very least falls within the ambit of further inquiry under Section 497(2) Cr.P.C, entitling him to concession of bail.

4. Conversely, learned DPG opposed the instant bail applications and contended that the applicant is nominated with a clear role of committing robbery on the show of weapon, which squarely attracts Section 397 PPC and falls within the prohibitory clause of Section 497(1) Cr.P.C; that subsequent spy information led to the applicant's arrest from the spot in injured condition, which strongly corroborates the complainant's version; that recovery of an unlicensed firearm in FIR No.259 constitutes an independent non-bailable offence; that the delay in FIR is explained and pales into insignificance in the face of subsequent corroborative events, and no malafide has been established. He prayed for dismissal of bail application.

5. Heard. Record perused.

6. It appears that the applicant, along with his co-accused namely Shabir Gopang and Sartaj Leghari, intercepted the complainant Sajjad Ali and his cousin Liaqat Ali and, on the show of weapons, deprived them of motorcycle and cash. These allegations, as narrated in FIR No.256of 2025, prima facie established the commission of robbery. In the case of *Afzaal Ahmed vs. The State (2003 SCMR 573)*, the Apex Court observed that the discretion still remained with the competent Court to consider whether a person accused of such an offence did or did not deserve the grant of bail, even if the case falls within the prohibitory clause. Relevant portion of the referred case is reproduced below:

“5. The mere fact that an offence did not fall within the prohibitory clause of section 497(1) of the Cr.P.C. did not mean that such an offence had become a bailable offence. The discretion still remained with the competent Court to consider whether a person accused of such an offence did or did not deserve the grant of bail in accordance with the established norms governing the exercise of such a power. Needless to mention here that a person accused of spreading a deadly poison i.e the narcotics, in any society, is not the kind of person who qualifies for the grant of any discretionary relief unless such a person could demonstrate that he was entitled to the grant of bail on account of the reasons mentioned in section 497(2) of the Cr.P.C. No such grounds were shown to exist in the present case which could persuade us to allow bail to the petitioner.”

Underlined for emphasis

7. The subsequent occurrence embodied in FIR No.258 cannot be brushed aside. On spy information, the police reached the pointed place and found the same culprits along with the robbed motorcycle. Instead of surrendering, they allegedly opened straight fire upon the police party. The applicant was apprehended on the spot in injured condition while his companions managed to escape. This episode prima facie corroborates the complainant’s version in the earlier robbery and provides a direct link connecting the applicant with both incidents. It is difficult, at this stage, to believe that such encounter and arrest with injuries were fabricated without any plausible reason.

8. The recovery of an unlicensed firearm at the time of applicant’s arrest, which forms the subject matter of FIR No.259of 2025, further fortifies the prosecution case. Even if the defence disputes such recovery, the fact remains that

possession of an unlicensed firearm is in itself a distinct cognizable and non-bailable offence, which adds weight to the other allegations.

9. The pleas raised by the learned counsel do not create sufficient doubt to bring the case within the purview of Section 497(2) Cr.P.C. The contention regarding delay in lodging FIR No.256of 2025loses much of its significance once the applicant was later allegedly found in possession of the robbed motorcycle and arrested during encounter. The absence of private mashirs also does not by itself render the case doubtful, as police witnesses are legally competent and their statements cannot be discarded merely for being official. Allegations of false encounter are equally implausible when the applicant was in fact apprehended in injured condition from the place of occurrence.

10. In this view of the matter, there exist prima facie reasonable grounds, connecting the applicant with commission of offences alleged and cannot be treated as one of further inquiry under Section 497(2).

11. Accordingly, Criminal Bail Applications No.S-911, 912 and 913 of 2025 filed by applicant Allah Jurio are dismissed. The trial Court shall, however, proceed expeditiously and decide the matter strictly on evidence, uninfluenced by any observations made herein which are confined only to the disposal of these bail applications.

J U D G E

Sajjad Ali Jessar