

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail App. No. S – 719 of 2025

(Ali Mirbahar & others v. The State)

Date of hearing : **27.10.2025**

Date of decision : **27.10.2025**

Mr. Rukhsar Ahmed Junejo, Advocate for applicants.
Mr. Muhammad Aslam Gadani, Advocate for complainant.
Mr. Khalil Ahmed Maitlo, Deputy Prosecutor General.

ORDER

Mahmood A. Khan, J. – The present applicants have been nominated in Crime No.26/2024, registered at Police Station Dadloi, District Sukkur, under Sections 396, 148, 149, 457, PPC, wherein allegation has been made that the said applicants have caused dacoity, wherein animals of the complainant were taken away and firearm injury was caused in the process.

2. Learned Counsel for the applicants contended that the firearm injury has been attributed to one Ashique and not to the present applicants. He further contended that applicants were arrested on the second day of the incident, wherein delayed FIR was lodged, and no articles, including weapons, have been recovered from the present applicants. He further contended that the common intention as available against the present applicants requires further enquiry, and in this regard, he relies upon the reported cases of **2014 SCMR 1347** and **2014 SCMR 27**. He also contended that the presence and commencement of the trial is not a ground for entertainment of the post-arrest bail application, and in this regard, he relies upon the reported case of **2014 SCMR 12**.

3. Learned Counsel for the complainant, however, contended that Section 396, PPC, being present in respect to the allegation made against the present applicants, concession of bail is not liable to be entertained, and in this regard, he refers to **2016 P Cr. L J 1793**.

4. Learned DPG, however, contended that no material as to the false implication has been brought up on part of the applicants, and as such, the concession of bail is not liable to be given. He relies upon the case reported as **2020 SCMR 2089**.

5. Learned Counsel for the applicants, in rebuttal, contended that the present application being post-arrest bail application grounds of mala fide are not required.

6. Having heard the learned Counsels and gone through the record, apparently, though no recovery has been effected against the present applicants, the claimed existence of the present applicants at the crime is not coming up against an allegation of false implication. This Court, at this stage, is required to only make a tentative assessment. The tentative assessment is based upon the material available and a reasoned mind.

7. In the said circumstances, the present applicants having failed to bring forward an element of no connection to the alleged offence, wherein not only the animals have been taken away, firearm injury having been caused, the bail application is not found liable to be entertained. However, though 12 witnesses have been shown in the challan, learned DPG states that only 06 to 07 witnesses may be required for examination. While **dismissing** the bail application, the learned trial Court is directed to make a sincere attempt for recording of evidence and conclude the trial within a period of two (02) months.

Bail application stands **disposed of** in the above terms.

J U D G E

Abdul Basit