

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
MIRPURKHAS**

**Crl. Bail Application No.S-329 of 2025**

**Applicant:** Ashraf S/o Bachal,  
Through Mr. Aziz Ahmed Laghari, Advocate.

**Respondent:** The State.  
Through Mr. Shahzad Saleem, Additional P.G.

**Complainant:** Amanullah S/o Muhammad Jaffar.

**Date of hearing:** 27.11.2025

**Date of Order:** 27.11.2025

**O R D E R**

**Shamsuddin Abbasi, J:** Through this Bail Application, the applicant/accused seeks post arrest bail in Crime No.112/2025 for offence under sections 397 and 34 P.P.C of PS Tando Jan Muhammad, after dismissal of his bail plea by the learned Additional Sessions Judge-II, Mirpurkhas, vide order dated 26.09.2025.

2. Brief facts of the FIR are that the complainant appeared at PS Tando Jan Muhammad and disclosed that he is engaged in automobile business. He contacted Ali Gohar Chandio regarding purchase of a Mehran car, model 2018 having Registration No. BME-673, Chassis No.SB30PK012 and Engine No.PKB-727764. Therefore, on 08.07.2025, he along with his son Ehsanullah Dahri and cousin Muhammad Anwar Dahri went to village Bachal Chandio for purchasing the said vehicle, where they met with Ali Gohar son of Loung and Ashraf (applicant). They finalized the sale in consideration of Rs.13,00,000/- and they further purchased Alto car for Rs.20,00,000/- and they were further directed to deposit Rs.5,00,000/- in UBL Bank Account No.000266393199. The accused persons pointed pistol upon the complainant and robbed Rs.24,10,000/- from him. Finally, they issued threats of murder to the complainant party; therefore, the complainant returned back to his house.

3. Learned counsel for the applicant submits that the FIR is lodged with a delay of 15 days which remains unexplained. He

further submits that nothing incriminating has been recovered from the possession of the applicant/accused. He further submits that the minimum punishment under Section 397 P.P.C is seven years, therefore, at the bail stage, the case does not fall within the ambit of the prohibitory clause of section 497 Cr.P.C. Finally, he prayed for grant of bail.

4. On the other hand, learned A.P.G submits that there is series of FIRs against the applicant/accused which have been lodged by the different people of different locality of province of Sindh. He further submits that applicant and co-accused belong to robbers and they are also involved in several identical cases to rob the innocent persons. He further submits that applicant party through fake advertisement invites the people at their village and used to snatch their amounts by force. Hence, he prayed that the bail may be dismissed.

5. Heard learned counsel for the applicant, learned A.P.G for the State, complainant in person and perused the record.

6. From the tentative assessment of material available on record, it appears that applicant belongs to gang of robbers and they used to call them in their village in order to sale their vehicle and finally robbed them by showing weapons. Learned A.P.G has placed on record criminal record of the applicant which reveals that he is involved in 45 FIRs of same nature including police encounter cases since 2015 to 2025. In the present case, they robbed cash amount of Rs.24,10,000/=. Today complainant in FIR No.112/2025 has appeared and disclosed the modus operandi of applicant who brought him to sale the vehicle in his village and deprived him from huge cash amount. The criminal record of the applicant reflects the mens rea. No doubt, the alleged offence does not come within the ambit of prohibitory clause of section 497 Cr.P.C but it is settled position of law that bail can be refused in an exceptional cases as held by Hon'ble Supreme Court of Pakistan in cases reported as **2002 SCMR 442 [Supreme Court of Pakistan]** and **2008 SCMR 678 [Supreme Court of Pakistan]**.

7. In view of above, it appears that applicant is involved in serious offence against society and there is criminal record of the

applicant, therefore, he is not entitled for grant of bail, therefore, application for grant of post arrest bail is **dismissed**. However, learned trial court is directed to expedite the matter and conclude the same preferably within 02 months and submit such compliance report through Additional Registrar of this Court.

8. The observations made in this decision are of a tentative nature and will not influence the merits of the case.

**JUDGE**

**\*Faisal\***