

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-265 of 2025

Applicant: Amir Sultan S/o Fateh Ali,
Through Mr. Afzal Karim Virk, Advocate.

Respondent: The State.
Through Mr. Neel Parkash, Deputy P.G.

Complainant: Muhammad Raqeeb S/o Muhammad Ibrahim.

Date of hearing: 19.11.2025

Date of Order: 19.11.2025

O R D E R

Shamsuddin Abbasi, J: Through this Bail Application, the applicant/accused seeks post arrest bail in Crime No.76/2025 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-I, Mirpurkhas, vide order dated 13.08.2025.

2. Brief facts of the FIR are that complainant Muhammad Raqeeb Channa, resident of Mohallah Irrigation Colony, Nawabshah, District Benazirabad, has appeared at PS Tando Jan Muhammad on 21.07.2025 at about 05:00p.m and disclosed that through Facebook he came to know about the advertisement of the sale of a Cultus car. Therefore, on 06-08-2024, he along with Mumtaz and Babar went at the given address of the advertisement at the otaque of Aijaz @ Babu Dhandal and reached there at about 06:00 p.m where they met with accused Aijaz alias Babu Dhandal, Khair Muhammad @ Khairo Chandio, Ali Gohar Chandio and Ameer Sultan (applicant). The accused persons pointed a pistol upon the complainant and robbed Rs.25,00,000/- 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 more than 11 months 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.

In support of his arguments, he has relied upon the case laws reported as **2025 YLR 769 (Sindh)** and **2024 P. Cr. LJ 1521 (Balochistan)**. Finally, he prayed for grant of bail.

4. On the other hand, learned D.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 use to snatch their amounts by force. Hence, he prayed that the bail may be dismissed.

5. Heard learned counsel for the applicant, complainant in person, learned D.P.G for the State, I.O of the case and perused the record.

6. From the tentative assessment of material available on record, it is alleged in the FIR that applicant belongs to gang of robbers and he used to keep post on Facebook to sale car on cheaper price and when the people met with him to finalize of sale agreement of the car, he alongwith co-accused used to rob them. In the present case they robbed cash amount of Rs.25,00,000/-. Record reflects that he is involved in three FIRs No.75/2025, 76/2025 and 77/2025 of same nature whereby he deprived complainants from huge amount by way of robbery. Learned D.P.G has provided list of gang members who are involved in like nature cases which reveals that accused Mohsin is involved in 12 cases, co-accused Aijaz @ Babu is involved in 33 cases, co-accused Ali Muhammad is involved in 25 cases, co-accused Anwar is involved in 38 cases, co-accused Ashraf is involved in 45 cases, co-accused Mehtab is involved in 17 cases, co-accused Rasheed is involved in 21 cases. Complainant in FIR No.75/2025 belongs to Karachi, complainant in FIR No.76/2025 belongs to Nawab Shah and complainant of FIR No. 77/2025 belongs to Sukkur, who have no nexus with each other and no enmity or malafide to falsely implicate him in these cases. Today complainant in FIR No.76/2025 and 77/2025 have appeared and disclosed the modus operandi of applicant who brought them to sale the vehicle and deprived them from huge cash amount. The criminal record of

the applicant as well as other members of gang 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 and co-accused, 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. The case laws relied upon by the learned counsel for the applicant is distinguishable from the facts of present case.

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

JUDGE

Faisal