

ORDER SHEET  
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR  
**Criminal Bail Application No.S-123 of 2026**

Date	Order with signature(s) of Judge(s)
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1. For orders on office objection
2. For hearing of Bail Application.

**26.03.2026**

Mr. Ajeebullah Junejo, Advocate for the Applicant  
Mr. Shafi Muhammad Mahar, DPG along with SI Shehzado of P.S.  
Pano Akil, District Sukkur  
Complainant Waqar Ali Abbasi is present in person  
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**Nisar Ahmed Bhanbharo, J:** Through this bail application, applicant Illahi Bux @ Sajid Channa seeks bail in Crime No.245/2025, recorded by informant Waqar Ali Abbasi at P.S. Pano Akil, for an offence punishable under Section 452, 397, 34 PPC. His bail was declined by the trial Court vide order dated 03.01.2025.

2. Per prosecution story as unfolded in the FIR, that on 25.08.2025 four accused persons not identified by the Complainant party entered into the house of Complainant and by show of weapons removed gold ornaments from the hands of Complainant's wife Mst. Kiran, robbed ATM Card, Original CNIC and one mobile phone. Information was lodged to police on 28.09.2025.

3. Learned Counsel for the Applicant/ accused contends that names/ features of the Applicants are not available in the FIR; that the name of present applicant transpires through further statement recorded later on; that the FIR was registered for an inordinate delay of three days for which no plausible explanation has been furnished by the prosecution; that no identification parade has taken place after the arrest of accused; that both parties resided in some Mohalla despite of that names of the accused were not given in the FIR. He contends that case of applicant calls for further inquiry and entitled him for concession of bail.

4. Complainant, present in person along with learned DPG, contends that the applicant has committed heinous offence of robbery from his house and after the arrest of present applicant/ accused, recovery of gold ornaments and other articles were effected from the person; that there is no ill-will or malice of the Complainant to falsely implicate the applicant in the commission of offence. Applicant is not entitled for concession of bail.

5. Heard arguments and minutely perused the material available on record.

6. Admittedly, the name of the present applicant/ accused does not transpire in the FIR as he has been implicated in the present case on the basis of further statement, which may not have evidentiary value; however, it is also the case of the prosecution that recovery of gold ornaments and other articles has been effected from the possession of the applicant. Although, on the face of such recovery, the offence under Section 397 PPC may not be attracted, yet the said recovery prima facie connects the applicant with the commission of the offence under Section 412 PPC, which is punishable with imprisonment extending up to ten years and life, therefore, falls within the prohibitory clause of Section 497 Cr.P.C. The applicant/accused is alleged to have committed a heinous offence. There appears no element of ill-will or malice on the part of the complainant against the applicant, as no such allegation has surfaced in the FIR. Furthermore, besides the recovery of gold ornaments, the crime weapon has also been recovered from the possession of the accused, in respect whereof a separate FIR has been registered under Section 24 of the Sindh Arms Act, 2013. The tentative assessment of material on record connects the applicant in the commission of crime.

7. Accordingly and in view of above, the applicant has failed to make out a case for grant of bail. Instant bail application stands dismissed. The observations made hereinabove are tentative in nature and shall not prejudice the case of applicant at trial.

JUDGE