

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Bail Application No. S – 24 of 2026

Muhammad Ayoub Indhar

vs.

The State

For the Applicant : Mr. Gulshan Ahmed Shujrah,
Advocate

Date of hearing : 07.01.2026

Date of announcement : 07.01.2026

ORDER

Agha Faisal, J. (1) Urgency granted. (2) To be addressed / complied with within a week (3) Learned counsel undertakes to place on record certified copies, true translations etc. during the course of the week; application disposed of in terms herein. (3) The applicant seeks pre-arrest bail, in respect of F.I.R. No.214 of 2025, registered on 24.12.2025 before P.S. Baiji Sharif, District Sukkur, pertaining to offences under Sections 379, 411, P.P.C.

2. Learned counsel submits that the applicant surrendered before the Court of the Additional Sessions Judge, Pano Aqil, however, vide order dated 05.01.2026, in Cr. Bail Application No.2814 of 2025, the applicant's application for pre-arrest bail was dismissed, hence, the present proceedings.

3. After considering the submissions of the learned counsel and sifting¹ through the material placed before the court, reproduction whereof is eschewed herein², it is observed as follows:

- a. The applicant is represented to be a junk shop operator and the allegation thereupon is dealing in stolen items.
- b. Learned counsel for the applicant pleaded entitlement to the concession of pre-arrest bail on the premise that the allegation is a case of foistation by the police as despite the alleged instance supposed to have taken place in broad daylight, not a single private musheer was involved. It was argued that no stolen items were dealt with by the applicant and even otherwise incarceration of the applicant in instances carrying maximum punishment of three years was not justified in the *prima facie* absence of any incriminating material on record.

¹ *Shoaib Mahmood Butt vs. Iftikhar Ul Haq & Others* reported as 1996 SCMR 1845.

² *Chairman NAB vs. Mian Muhammad Nawaz Sharif & Others* reported as PLD 2019 Supreme Court 445; *Muhammad Shakeel vs. The State & Others* reported as PLD 2014 Supreme Court 458.

- c. The record was perused and on occasion arose to disentitle the applicant to interim relief.
- d. It has been reasoned that the basic foundation of prosecution remains to be laid, hence, demonstrably qualifying the present case within the remit of Section 497(2) of the Code of Criminal Procedure 1898. Therefore, denial of anticipatory bail in the present circumstances, in an arguably fit case for consideration of post arrest bail³, on a technicality would be unconscionable and unmerited⁴.
- e. Learned counsel has articulated a *prima facie* case for consideration of judicial refuge⁵, envisaged to protect the innocent / vulnerable from the rigors of abuse of process of law and harassment⁶; so as to protect human dignity and honor⁷ from the humiliation of incarceration, arguably intended for designs extraneous and *mala fide*.

4. The contentions raised merit deliberation, therefore, notice may be issued to the office of the Additional Prosecutor General Sindh, Investigative Officer and the Complainant. In the intervening period the applicant is admitted to interim pre-arrest bail, subject to furnishing solvent surety in the sum of Rs.20,000/- (Rupees twenty thousand only) and a personal recognizance bond, in the like amount, to the satisfaction of the Additional Registrar of this Court. To come up on 26.01.2026 for confirmation hereof or otherwise.

5. It is considered pertinent to record that the observations herein are of tentative nature and shall not influence and / or prejudice the case of either party at trial.

JUDGE

³ Muhammad Ramzan vs. Zafar Ullah & Another reported as 1986 SCMR 1380.

⁴ Khalil Ahmed Soomro & Others vs. The State reported as PLD 2017 Supreme Court 730; Hassan Jameel Ansari & Another vs. National Accountability Bureau & Another reported as 2012 YLR 2809 (Division Bench Judgment of this Court).

⁵ Per Qazi Muhammad Amin J. in Ghulam Farooq Channa vs. The Special Judge ACE (Central I) Karachi & Another (Criminal Petition 169 of 2020) approving Hidayat Ullah Khan vs. The Crown reported as PLD 1949 Lahore 21 (Per Cornelius J.).

⁶ Ajmal Khan vs. Liaqat Hayat & Another reported as PLD 1998 Supreme Court 97.

⁷ Murad Khan vs. Fazle Subhan & Another reported as PLD 1983 Supreme Court 82.