

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-451 of 2026

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Applicants By: Mr. Hameedullah Dahri, Advocate.

Complainant By: Mr. Afzal Karim Virk, Advocate.

State By: Mr. Neel Parkash, D.P.G Sindh.

Date of Hearing: 30.09.2026

Date of Order: 30.09.2026

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ORDER

Muhammad Humayon Khan, J.:- The Applicants, Faraz Ali and Haseeb Ali, have been nominated in Crime No.217 of 2026 registered at Police Station Sanghar under Sections 394, 511 and 34 of the Pakistan Penal Code. Their pre-arrest bail application before the learned Additional Sessions Judge-I, Sanghar, was dismissed vide order dated 05.08.2026 and they have, therefore, approached this Court for the same relief.

2. The prosecution case, briefly stated, is that complainant Nabi Bux Mari lodged the FIR on 26.07.2026 at 1630 hours, alleging that on 24.07.2026 at about 2200 hours, near Saleemi Ice Factory, Cheeni Colony, Toori Road, Sanghar, the applicants, accompanied by an unidentified person and riding a 125 motorcycle, intercepted the motorcycle of his son, Muhammad Ibrahim, and his friend, Jumma Khan. The unidentified accused allegedly kicked their motorcycle, causing them to fall, whereafter the applicants attempted to snatch the motorcycle. Upon resistance, the accused allegedly took out pistols, assaulted the victims and caused them injuries with pistol-butts. Consequently, the complainant lodged the FIR.

3. Mr. Hameedullah Dahri, learned counsel for the Applicants, contended that the Applicants are innocent and they have falsely implicated in this case. He further contended that there is delay in lodging the FIR and that Applicant Faraz Ali has been implicated due to previous hostility between his family and the police. He argued that no motorcycle or other property was robbed or recovered from the Applicants, therefore, case requires further inquiry. He, therefore, prayed for confirmation of bail.

4. Mr. Afzal Karim Virk, learned counsel for the complainant opposed the application and contended that the Applicants are specifically nominated in the FIR with an active role. He further contended that the applicants were

armed with pistols and caused pistol butt injuries to the injured persons, which are supported by the medical evidence. He further contended that the delay in lodging the FIR has been satisfactorily explained. He, therefore, prayed for dismissal of the bail application.

5. Learned Deputy Prosecutor General Sindh, opposed the grant of bail and supported the prosecution case.

6. After hearing learned counsel for the applicants, learned counsel for the complainant and learned Deputy Prosecutor General for the State, and going through the record, I am inclined to grant bail for the following reasons:

- i. The alleged occurrence took place on 24.07.2026, while the FIR was lodged on 26.07.2026. Though an explanation for such delay has been offered by the prosecution, its effect is yet to be determined at trial.
- ii. The defence has also brought on record a press release allegedly issued by Sanghar Police before registration of the FIR, wherein the occurrence was stated to be the result of a dispute between the parties and the allegation of robbery was denied. This earlier version cannot be ignored at this stage and its evidentiary value is to be determined at trial.
- iii. It is also an admitted position that the motorcycle was not taken away and no robbed property has been recovered from the Applicants. Although the Applicants are alleged to have been armed with pistols, no firearm injury was caused; rather, the allegation is of causing injuries with pistol-butts.
- iv. In these circumstances, whether the alleged injuries were caused during an attempt to commit robbery so as to attract Section 394 PPC is a matter which requires evidence and cannot be finally determined at the bail stage.
- v. Thus, the delay in lodging the FIR, the earlier version reflected in the police press release, non-removal of the motorcycle, absence of recovery of any robbed property from the Applicants, and the nature of the alleged injuries, when taken together, make the case one of further inquiry within the meaning of Section 497(2), Cr.P.C.

6. For these reasons, this application is allowed and the interim pre-arrest bail granted to the applicants by Order dated 19.08.2026 is hereby confirmed on the surety already furnished by them. However, in the event that the applicants are found in any manner misusing the concession granted by this order, the learned Trial Court shall be at liberty to cancel their bail as per law.

7. The learned trial Court is expected to proceed with the matter expeditiously and shall avoid unnecessary adjournments. The trial should be completed positively within two months of this Order under fortnightly compliance reports to MIT-II of this Court.

8. It is clarified that the observations made above are tentative in nature and shall not prejudice the case of either party at the trial. The learned Trial Court shall decide the case independently on the basis of the evidence brought before it.

JUDGE

Faisal