

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

1st Cr. Bail Appln. No. S- 239 of 2026.

Applicant : Muhammad Yakoob Gulwani Jakhrani,
Through M/s Asif Ali Abdul Razak Soomro and Safdar
Ali Ghouri, Advocates.

The State : Through Mr. Aitbar Ali Bullo,
Deputy Prosecutor General, Sindh.

Complainant : Zameer Ali Rind,
Through Mr. Zafar Ali Malghani, Advocate.

Date of hearing : **07.09.2026.**
Date of Order : **07.09.2026.**

O R D E R

Riazat Ali Sahar, J.- Having been declined the prayer for grant of post arrest bail in Crime No.02 / 2026, registered at P.S Saddar, Jacobabad, for offence under Sections 392, 394, 397, 411, 337-F(iii), 337-F(v), PPC vide order dated 28.04.2026 by the Court of learned Sessions Judge, Jacobabad, applicant/accused Muhammad Yaqoob son of Bahawal Bux *alias* Ghulam Hussain, by caste Gulwani Jakhrani, has approached this Court with the same prayer.

2. Facts of the prosecution, in brief, are that on 06.01.2026, at about 5.15 p.m. time, at the link road of Shambay Shah near Ahmed town, Jacobabad, the applicant/accused along with his 02 accomplices, all three armed with TT Pistols, intercepted complainant Zameer Ali Rind, his cousin's son Basit Ali and cousin Bisharat Ali, and on resistance offered by complainant party during committing robbery of their valuables, the applicant and co-accused Abdul Qadeer by making fires caused injuries to the complainant and PW Basit Ali. Hence, such FIR was lodged by complainant on the same day at 7.15 p.m. with Saddar Police Station, Jacobabad.

3. Learned Counsel for the applicant argued that the applicant is innocent and he has been falsely implicated by the complainant party in the background of previous enmity between the parties; that there is delay of 14

hours in lodging the FIR despite the police station located only at the distance of 2/3 kilometers and no plausible explanation has been furnished; that no independent person is cited as witness of alleged incident; that the alleged incident is shown to have occurred in the odd hours of night and identification of the accused is claimed on the headlight of motorcycles, which is a weak type of evidence; that the role of robbing cash Rs.5000/- only and causing injury on non-vital part i.e. elbow-joint of complainant is assigned to the applicant; that the case against the applicant requires further enquiry. Lastly, the learned Counsel urged that the applicant was arrested on 12.01.2026 and the recovery of crime weapon i.e. T.T. Pistol was shown effected from the applicant on 18.01.2026 i.e. after 06 days of his arrest; hence, foistation of such recovery upon the applicant cannot be ruled out and that the case has been challaned; hence, the applicant is not required to police for further investigation. In support of his contentions, learned Counsel placed reliance on the cases reported as *Shehzore v. The State* (**2006 YLR 3167**), *Talib Hussain v. The State* (**2014 YLR 1319**) and *Rasool Bux v. The State* (**2016 YLR Note 160**).

4. Conversely, learned DPG, assisted by learned Counsel for the complainant, opposed the bail application, contending that the applicant is nominated in the FIR and he being one of the robbers, who while committing robbery caused injuries to the complainant and PW Basit Ali and in this regard the medical evidence fully corroborates the ocular version; Crime weapon was recovered from the applicant; the PWs in their 161, Cr.P.C. statements have implicated the applicant with the commission of offence; the crime weapon along with empties recovered from the place of incident were sent for examination and the FSL report has come in positive.

5. I have heard the learned counsel for the applicant, learned Deputy Prosecutor General for the State and learned counsel for the complainant and have gone through the material available on the record with their assistance.

6. The principal question requiring determination is whether, on a tentative assessment of the material collected during investigation, there are reasonable grounds for believing that the applicant is connected with the alleged offences, or whether the circumstances relied upon by the defence are sufficient to bring his case within the ambit of further inquiry under Section 497(2), Cr.P.C. The governing distinction is well settled. At bail stage, the Court may tentatively sift the available material but cannot embark upon an elaborate

appraisal of evidence or conduct a mini-trial. This principle was explained in **Khalid Saigol v. The State (PLD 1962 SC 49)**, **Iqbalur Rehman v. The State (PLD 1974 SC 83)**, **Khalid Javed Gillani v. The State (PLD 1978 SC 256)**, **Sarwar Sultan v. The State and another (PLD 1994 SC 133)** and **Shoaib Mehmood Butt v. Iftikhar-ul-Haq and 3 others (1996 SCMR 1845)**. In **Tariq Bashir and 5 others v. The State (PLD 1995 SC 34)**, the Hon'ble Supreme Court explained the expression "reasonable grounds" and the operation of the prohibitory clause of Section 497, Cr.P.C.

7. Applying that test, the accusation against the applicant is neither general nor omnibus. He is named as one of the armed robbers and is assigned participation in the firing during the course of robbery. More importantly, the occurrence is not supported merely by an uninjured complainant: the complainant and PW Basit Ali are stated to have sustained injuries in the same transaction. Their presence at the spot, therefore, has *prima facie* support from the medical material. At this stage, an injured witness's accusation carries substantial tentative weight unless circumstances appearing on the face of the record make the accusation inherently doubtful. In **Bilal Khan v. The State through P.G., Punjab and another (2020 SCMR 937)**, post-arrest bail was declined where the accused was specifically nominated with the role of causing a firearm injury and the injured witness maintained the accusation; the Supreme Court reiterated that only tentative assessment, and not deeper appreciation, is permissible at the bail stage. Likewise, in **Sheqab Muhammad v. The State and another (2020 SCMR 1486)**, the plea that an injury was on a non-vital part and that the ocular account required scrutiny, was held incapable of determination without an impermissible in-depth analysis at the bail stage.

8. The defence contention regarding delay in registration of the FIR also does not materially assist the applicant on the present record. The occurrence is shown at about 5:15 p.m. and the FIR at about 7:15 p.m. on the same date. Thus, the record itself reflects an interval of approximately two hours, not fourteen hours. In any event, delay in lodging an FIR is a circumstance to be evaluated in the context of the entire case and does not, by itself, neutralise otherwise available incriminating material at the bail stage. Reference in this regard may be made to **Haji Gulu Khan v. Gul Daraz Khan and another (1995 SCMR 1765)** and **Mazhar Iqbal v. The State and another (2010 SCMR 1171)**.

9. The plea of previous enmity is likewise a matter requiring evidence. Enmity is a double-edged circumstance: it may provide a motive for false implication, but it may equally furnish a motive for commission of the offence. Its ultimate effect cannot ordinarily be conclusively determined upon a bail application. The same approach is reflected in **Raheem Bux v. The State (2017 YLR Note 301)** and **Muhammad Hanif and others v. The State (2013 PCrLJ 1105)**. No material presently pointed out is sufficient, on its face, to displace the direct accusation of the injured witnesses merely on the assertion of prior hostility.

10. The argument concerning absence of independent witnesses and the manner of identification also calls for appreciation of evidentiary worth, which is primarily the function of the trial Court. The incident is alleged to have taken place on a link road and the complainant party claims direct interaction with the assailants during the robbery and firing. Whether their identification is ultimately trustworthy, and what effect is to be attached to the absence of a private independent witness, are questions that cannot be finally resolved without recording and testing the evidence. The bail jurisdiction does not permit the Court to pre-judge those matters through an elaborate comparison of probabilities.

11. The recovery aspect provides further *prima facie* support to the prosecution case. The applicant was arrested on 12.01.2026 and the prosecution shows recovery of a T.T. pistol from him on 18.01.2026. The defence characterises the interval as suggestive of foistation; however, the mere fact that the recovery was effected six days after arrest does not, without more, compel such a conclusion at the tentative stage. The prosecution further relies upon two 30-bore empties recovered from the place of occurrence and a positive forensic report connecting the weapon attributed to the applicant with the crime empties. The evidentiary value, chain of custody and ultimate reliability of that forensic material remain matters for trial, but for purposes of bail they constitute relevant material which cannot be discarded through deeper appreciation.

12. It is also of significance that the prosecution case includes offences under Sections 394 and 397, PPC, arising from an alleged armed robbery in which hurt was caused. Section 394, PPC carries punishment which may extend to imprisonment for life, while the accusation under Section 397, PPC concerns use of a deadly weapon or causing grievous hurt in committing

robbery or dacoity. The case, therefore, attracts the prohibitory clause of Section 497(1), Cr.P.C. The mere completion of investigation and submission of challan does not, by itself, create a right to bail where reasonable grounds continue to exist for believing that the accused is connected with an offence falling within that clause.

13. On a cumulative and tentative assessment, the applicant is specifically nominated; a direct role in the armed occurrence is attributed to him; the complainant and PW Basit Ali are injured witnesses; the medical material *prima facie* supports the occurrence; the prosecution relies upon statements under Section 161, Cr.P.C.; and the alleged recovery is supported by a positive forensic report. These circumstances provide tangible material which, if left un rebutted, may connect the applicant with the alleged offences. To accept the defence pleas regarding false implication, doubtful identification, non-vital injury, foistation of the weapon and absence of independent witnesses as decisive at this stage would require an assessment substantially deeper than the law permits in bail proceedings. The authorities relied upon by learned counsel for the applicant turn upon their own facts and do not dislodge the effect of the direct accusation and corroborative material presently available.

14. Consequently, the material presently before the Court furnishes reasonable grounds for believing that the applicant is connected with the alleged occurrence rather than grounds calling for further inquiry under Section 497(2), Cr.P.C. In view of the principles laid down in **Bilal Khan (2020 SCMR 937) and Shegab Muhammad (2020 SCMR 1486)**, no case for grant of post-arrest bail is made out. The instant bail application is, accordingly, **dismissed**.

15. Needless to observe that all findings and observations recorded herein are strictly tentative in nature, confined to the disposal of this bail application, and shall not prejudice the case of either party at trial. The learned trial Court shall decide the matter independently on the evidence produced before it and in accordance with law.

JUDGE