

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-318 of 2026

Applicant: Zahid s/o Khan Muhammad
Through Mr. Santosh Kumar Khatri,
Advocate.

Respondent: The State.
Through Mr. Ghulam Abbas Dalwani, D.P.G.

Date of hearing: 01.07.2026

Date of Order: 01.07.2026

ORDER

KHALID HUSSAIN SHAHANI, J.— Through the instant application, the applicant seeks the concession of post-arrest bail in case arising out of Crime No. 50 of 2025, registered under Sections 324, 397, 337-H(ii), 337-F(vi), 114 and 34, P.P.C., at Police Station Naukot. It is an admitted position that an earlier bail application preferred by the applicant was declined by the learned 1st Additional Sessions Judge, Mirpurkhas, vide order dated 03.06.2026.

2. I have heard the learned counsel for the parties at considerable length and have also carefully gone through the available record with their able assistance.

3. The foundational premise of the prosecution case, as reflected in the FIR, does not attribute any specific role to the present applicant, nor does his name find mention therein. This omission, though not by itself decisive, nonetheless assumes significance when examined in conjunction with the subsequent investigative outcome. The record reveals that after completion of

the usual course of investigation, the Investigating Officer has opined the case to be disposed of under "A-Class," thereby prima facie suggesting absence of sufficient incriminating material.

4. It is further evident that no direct or circumstantial evidence has, so far, been brought on record which may reasonably connect the applicant with the commission of the alleged offences. The evidentiary vacuum, at this stage, militates against the continued incarceration of the applicant, particularly when the matter calls for deeper appreciation of evidence, which is the exclusive domain of the trial Court.

5. Another significant feature of the case is that the complainant has furnished a duly sworn affidavit expressing no objection to the grant of bail to the applicant. While such an affidavit is not determinative of the issue, it nonetheless reinforces the tentative conclusion regarding the doubtful nature of the prosecution case.

6. Moreover, it has been brought to the notice of this Court that a co-accused, namely Ghulam Nabi, whose case stands on a similar footing, has already been admitted to post-arrest bail by this Court vide order dated 15.06.2026. The principle of consistency, which is an integral facet of the administration of criminal justice, warrants that similarly placed accused persons be treated alike, unless distinguishing features are shown to exist, which, in the present case, are conspicuously absent.

7. The learned Deputy Prosecutor General has also not seriously opposed the grant of bail to the applicant.

8. In view of the foregoing circumstances, when assessed cumulatively, the case of the applicant appears to fall within the ambit of “further inquiry” as envisaged under Section 497(2), Cr.P.C. At this tentative stage, no sufficient grounds exist to justify the continued detention of the applicant. It is by now well-settled that where a case calls for further inquiry into the guilt of an accused, the concession of bail is to be extended as a matter of right and not of grace.

9. Consequently, the instant bail application is allowed. The applicant is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac only) along with a personal bond in the like amount to the satisfaction of the learned trial Court.

JUDGE

Adnan Ashraf Nizamani