

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No.S- 140 of 2026

Applicants : (1) Mashooque Ali, (2) Muneer, (3) Abdul Shakoor and (4) Raja through Mr. Ajeebullah Junejo, Advocate a/w applicants.

Respondent: : The State through Mr. Muhammad Raza Katohar, Deputy P.G.

Date of Hearing : 17-08-2026
Date of Order : 17-08-2026

ORDER

TASNEEM SULTANA, J.- Through this Criminal Bail Application, the applicants Mashooque Ali, Muneer Ahmed, Abdul Shakoor and Raja seek pre-arrest bail in Crime No.11 of 2026, registered under Sections 381-A and 411 PPC at Police Station Baiji Sharif. Earlier, their pre-arrest bail application was dismissed by the learned Additional Sessions Judge, Pano Akil, vide order dated 12.02.2026; hence, the instant application for the same concession.

2. The detailed facts of the case are already set out in the bail application and the FIR and, therefore, need not be reproduced here.

3. Learned counsel for the applicants contended that the applicants are innocent and have falsely been implicated in the present case; that no recovery of the alleged stolen articles has been effected from their possession; that the manner in which the applicants were allegedly identified by the police has not been disclosed in the FIR; that no private person was associated as mashir of the alleged recovery; that the offences alleged against the applicants do not fall within the prohibitory clause of Section 497, Cr.P.C.; that the applicants have cooperated with the

investigation and the challan has already been submitted; and that there is no complaint on record regarding misuse of the concession of interim pre-arrest bail. He, therefore, prayed that the interim pre-arrest bail already granted to the applicants may be confirmed.

4. Learned Deputy Prosecutor General opposed the application and contended that the applicants are specifically named in the FIR and were allegedly seen by the police party while loading the stolen transformer parts into the vehicle; that sufficient material is available on record connecting them with the commission of the alleged offence; and that they are, therefore, not entitled to the concession of pre-arrest bail.

5. Heard. Record perused.

6. The prosecution case is that the applicants were seen by the police party while loading the alleged stolen transformer parts into a car and, on seeing the police, they escaped from the spot, whereafter the alleged stolen articles were taken into custody by the police. The record, however, reflects that none of the applicants was apprehended at the spot and no recovery was effected from their possession. It is also noticeable that although the complainant claims to have identified the applicants at the spot, the FIR does not disclose the basis of such identification. No private person was associated as mashir of the alleged recovery despite the place of occurrence being a public place. These aspects require further examination during trial. Besides, the offences alleged against the applicants do not fall within the prohibitory clause of Section 497(1), Cr.P.C., and in such cases grant of bail is ordinarily a rule and refusal an exception, as held by the Honourable Supreme Court in Tariq Bashir and 5 others v. The State (PLD 1995 SC 34) and Muhammad Tanveer v. The State (PLD 2017 SC 733).

7. It is further pertinent that the applicants have cooperated with the investigation, and the challan has already been submitted. There is also no complaint on record regarding misuse of the concession of interim pre-arrest bail or interference with the prosecution evidence.

8. In view of the above facts and circumstances, the applicants have succeeded in making out a case for grant of pre-arrest bail. Consequently, the instant bail application was allowed vide short order dated 17.08.2026 and the interim pre-arrest bail granted to them vide order dated 17.02.2026 was confirmed on the same terms and conditions. These are the reasons for the said short order.

9. The observations made herein are tentative and shall not influence the learned trial Court while deciding the case on merits.

J U D G E

Ahmad