

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-308 of 2025

Applicant: Shahrukh s/o Sharif Dal,
Through Barrister Munawar Ali Dal, Advocate.

Respondent: The State.
Through Mr. Neel Parkash, D.P.G.

Complainant: Muhammad Junaid s/o Muhammad Usman
Through Mr. Muhammad Sultan, Advocate.

Date of hearing: 11.12.2025

Date of Order: 11.12.2025

ORDER

Shamsuddin Abbasi, J: Through this Bail Application, the applicant/accused seeks post arrest bail in Crime No.76/2025 for offence under sections 397 and 34 P.P.C of PS Mirpur Old, after dismissal of his bail plea by the learned Sessions Judge, Mirpurkhas, vide order dated 22.10.2025.

2. It is alleged in the F.I.R that on 19.09.2025 at about 0950 hours, the complainant along with his cousin was stopped on Hyderabad–Mirpurkhas main road near Suzuki Showroom by three persons who arrived on a motorcycle, out of whom two were armed with pistols and on gunpoint robbed the complainant of one Infinix smart mobile phone, cash amount of Rs.30,000/- and Rs.1,500/- from his cousin and 125 motorcycle and thereafter they fled away towards Toll Plaza, hence the complainant lodged instant FIR.

3. Learned counsel for the applicant argued that there is unexplained delay of about three weeks in the registration of FIR. He further submitted that no identification parade of the applicant was held before learned Magistrate; that alleged offence does not come within the ambit of prohibitory clause of section 497 Cr.P.C; that alleged recovery is foisted upon the applicant. Accordingly, he prayed for grant of bail.

4. On the other hand, learned D.P.G submits that there is other F.I.Rs against the applicant/accused of such like nature so also of other crimes. He further submits that applicant and co-accused belong to robbers. Hence, he prayed that the bail may be dismissed.

5. Heard learned counsel for the applicant, learned D.P.G for the State, and perused the record.

6. From the tentative assessment of material available on record, it appears that applicant belongs to gang of robbers and they used to rob the people by showing weapons. Moreso, on 13-10-2025 at the time of arrest of applicant, robbed infinix mobile phone so also crime weapon i.e. pistol were recovered from the possession of applicant. On the next day i.e. 14-10-2025 applicant, during course of investigation, led the police party to the Dhaka of Jamrao Wah from where he produced robbed 125 motorcycle. Learned D.P.G has placed on record criminal record of the applicant which reveals that he is involved in another F.I.R bearing Crime No.75/ 2025 registered at PS Mirpur Old of same nature so also there is series of FIRs against him regarding recovery of unlicensed arms and police encounter. No doubt, the alleged offence does not come within the ambit of prohibitory clause of section 497 Cr.P.C but it is settled position of law that bail can be refused in an exceptional cases as held by Hon'ble Supreme Court of Pakistan in cases reported as **2002 SCMR 442 [Supreme Court of Pakistan]** and **2008 SCMR 678 [Supreme Court of Pakistan]**.

7. In view of above, it appears that applicant is involved in serious offence against society and there is criminal record of the applicant, therefore, he is not entitled for grant of bail, therefore, application for grant of post arrest bail is **dismissed**. However, learned trial court is directed to expedite the matter and conclude the same preferably within 03 months and submit such compliance report through Additional Registrar of this Court.

8. The observations made in this decision are of a tentative nature and will not influence the merits of the case.

JUDGE

Faisal