

IN THE HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-258 of 2025

<><><><>

Applicant: Altaf S/o Ali Nawaz Jatoi,
Through Mr. Abdul Majeed & Mr.
Jamshed Locas Khokhar, Advocates.

Respondent: The State
Through Mr. Ghulam Abbas Dalwani,
Deputy Prosecutor General Sindh.

Complainant: Ghulam Mustafa S/o Sardar Muhammad,
Through Mr. Moinuddin A. Qureshi, Advocate.

Date of Hearing: 05.11.2025

Date of Order: 05.11.2025

<><><><>

ORDER

Shamsuddin Abbasi, J- Applicant Altaf seeks post arrest bail in Crime No.28 of 2025, under Sections 392 and 34 PPC, registered at Police Station Shahdadpur, after the same was declined by the learned Additional Sessions Judge, Shahdadpur vide order dated 24.09.2025.

2. Brief facts of the prosecution case are that complainant alongwith PWs were going towards city on two motorcycles and when they reached at the place of incident, accused party intercepted them and snatched their motorcycle, therefore, complainant went to PS and lodged FIR to the above extent.

3. Learned counsel for the applicant contended that there is landed dispute between the parties and the complainant party has managed three FIRs against the applicant; there is no previous criminal record of the applicant and all these three cases were managed by the complainant party; that alleged offence does not fall within the prohibitory clause of

Section 497 Cr.P.C.; that police caused fire arm injury in a fake encounter case and pistol has been foisted and in both the cases the applicant was admitted on post arrest bail by the learned Additional Sessions Judge, Shahdadpur vide order dated 10.09.2025. Lastly, he prayed for grant of bail.

4. Conversely, learned D.P.G for the State assisted by counsel for the complainant has vehemently opposed for grant of bail on the ground that applicant is nominated in the F.I.R; that the alleged recovery was effected from his personal possession; that sufficient material is available on record to connect him with the alleged offence, therefore, he is not entitled for grant of bail.

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

6. The alleged incident has taken place at 01:00p.m on 21.08.2025 and complainant got registered FIR within half an hour. More surprisingly, the applicant was arrested in police encounter case within half an hour after registration of the FIR alongwith robbed property viz: motorcycle wherein he sustained fire arm injury at the hands of police. Learned counsel for the applicant has mainly contended that all these cases were managed by the complainant and he sustained fire arm injury in a fake police encounter case and his treatment is not possible inside jail. Moreover, bail has been granted by learned Additional Sessions Judge, Shahdadpur in police encounter case bearing FIR No.282/2025, under sections 324, 353 and 34 PPC as well as in a case of recovery of fire arm bearing FIR No.283/2025 under section 24 of Sindh Arms Act of PS Shahdadpur vide order dated 10.09.2025. Case has been challaned and applicant is no more required for further investigation. Sufficient material is available on record which

make out his case for further enquiry in terms of Section 497 Cr.P.C.

7. In view of the above, the instant bail application is allowed and the applicant/accused is enlarged on bail subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac only) and P.R bond in the like amount to the satisfaction of the trial Court.

8. The observations made here-in-above are tentative in nature and would not prejudice the case of either party at the trial.

The application stands disposed of.

JUDGE

Faisal