

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT  
HYDERABAD**

**Cr. Bail Application No.S-297 of 2026**

Applicant: Muhammad Shafique S/o Muhammad Rafique and  
Habib-ur-Rehman S/o Muhammad Bux,  
through Mr. Ghulam Shabbir Mari,  
Advocate

The State: Through Mr. Khalid Hussain Lakho,  
Deputy Prosecutor General.

Date of hearing: 16.03.2026.

Date of order: 16.03.2026.

**ORDER**

**RIAZAT ALI SAHAR, J.-** The applicants, having been declined bail by the learned Trial Court, have filed the instant application under Section 497 Cr.P.C., seeking post-arrest bail in Crime No. 296 of 2025, registered at Police Station B-Section, Nawabshah, in respect of offences punishable under Sections 324, 353, 398, 399, 402, 147, 148 P.P.C.

2. As per the prosecution case, on 22.11.2025 at about 0130 hours, a police party headed by ASI Nazar Muhammad Jamali, while on patrol duty, reached Sim Nala Mori area on 60-Mile Mori Road, where six persons were allegedly found blocking the road with motorcycles. Upon signaling the police mobile to stop and, after realizing it to be a police party, the accused persons allegedly resorted to straight firing with pistols. The police party, in self-defense, returned fire; however, the accused fled away under the cover of darkness. It is alleged that the police officials identified the present applicants among the fleeing accused.

3. Learned counsel for the applicants contended that the applicants have been falsely implicated with mala fide intentions and that no such occurrence took place in the manner alleged. It was argued that despite the alleged straight firing by the accused, neither any injury was caused to the police officials nor any damage was reported to the

police vehicle, rendering the prosecution story inherently doubtful. It was further submitted that no recovery has been effected from the exclusive possession of the applicants; that no identification parade has been conducted; and that the alleged identification at night under the headlights of a police vehicle is highly questionable. Learned counsel also emphasized that all witnesses are police officials and no independent witness has been associated. It was further contended that the investigation has been completed, challan has been submitted, and the applicants are no longer required for further interrogation. Lastly, it was argued that submission of challan constitutes a change in circumstances, entitling the applicants to fresh consideration for bail.

4. Conversely, learned Deputy Prosecutor General opposed the application and contended that the applicants are specifically nominated in the FIR and were involved in an encounter with the police while attempting to commit dacoity; therefore, they do not deserve the concession of bail.

5. I have heard learned counsel for the parties and have perused the record with their assistance.

6. Tentative assessment of the material on record reflects that although the applicants are nominated in the FIR, the prosecution story requires deeper appreciation at trial. Admittedly, despite the allegation of straight firing upon the police party, no injury was caused to any police official nor any damage to the police vehicle has been reported, which prima facie renders the occurrence somewhat doubtful and calls for further inquiry. Furthermore, no recovery of any weapon or incriminating article has been effected from the applicants, and the alleged recovery of empty shells, in the absence of corresponding weapons, is of limited evidentiary value at this stage. The identification of the applicants by police officials during late-night hours, without holding a formal identification parade, also requires cautious consideration.

7. It is also an admitted position that all the prosecution witnesses are police officials and no independent witness has been associated despite the alleged occurrence having taken place on a public road. The offences relating to preparation for dacoity under Sections 398, 399, and 402 P.P.C., in the absence of recovery of any robbed property or cogent material, would also require strict proof during trial.

8. The investigation has been completed and challan has been submitted. The applicants are no longer required for further interrogation. Their continued incarceration, in the circumstances, would serve no useful purpose and would amount to pre-trial punishment. The case, thus, falls within the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C.

9. For the foregoing reasons, I am of the considered view that the applicants have made out a case for grant of bail. Consequently, vide **short order dated 16.03.2026**, the instant bail application was allowed and the applicants were admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.50,000/- each with P.R. bonds in the like amount to the satisfaction of the trial Court. These are the reasons for the said short order.

10. The observations made herein are tentative in nature and shall not influence the trial Court, which shall decide the case strictly on its own merits.

JUDGE