

THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANO

1st Criminal Bail No.S-270 of 2026

Applicant: Asif Ali son of Muhammad Usman Junejo
Through Mr. Farhat Ali Bugti, Advocate

Complainant: Kamran Ali son of Nazeer Ahmed Shaikh
(present in person)

The State: Through Mr. Aitbar Ali Bullo, Deputy
Prosecutor General, Sindh.

Date of Hearing: 18.09.2026

Date of Order: 18.09.2026

ORDER

RIAZAT ALI SAHAR, J.-. Through instant bail application, applicant Asif Ali Junejo seeks pre-arrest bail in the case emanating from F.I.R No.100/2026, registered at Police Station Kamber-City for offence punishable under Sections 420, 506/2, 34 P.P.C.. Prior to this, the applicant preferred his bail plea before the Trial Court i.e. Additional Sessions Judge-II, Kamber, which was declined vide order dated 22.05.2026; hence this bail application has been maintained.

2. It is alleged in the F.I.R. by the complainant that about four months prior of the incident, the applicants/accused, namely Asif Ali and Javed Ali, both by caste Juneja, came to his gold shop, where, in the presence of his brothers, namely Irfan Ali and Farhan Ali, they informed him that they were in need of gold and cash. Upon their request, the complainant allegedly handed over to them cash amounting to Rs.25,00,000/- and 25 tolas of gold. Thereafter, despite repeated demands, the applicants/accused allegedly kept the complainant on the assurance that the aforesaid cash and gold would be returned. It is further alleged that, on the date of registration of the F.I.R., the applicants/accused, accompanied by an unknown person and armed with pistols, came to the complainant's gold shop and disclosed that they had

committed fraud with him and would not return the cash and gold. They allegedly further threatened the complainant that, if he again demanded the return of the said cash and gold, he would be murdered. Consequently, the complainant lodged the instant F.I.R

3. Per learned counsel, the applicant/accused is innocent and has been falsely implicated in the instant case by the complainant with mala fide intention and ulterior motives. He contends that the F.I.R. was lodged with an unexplained delay of about four months, which has not been satisfactorily explained by the complainant, thereby creating serious doubt regarding the veracity of the prosecution case and providing room for the possibility of false implication of the applicant. Learned counsel further submits that all the offences alleged against the applicant are bailable except Section 506(2), P.P.C., and that the applicability of the said provision, in the circumstances narrated in the F.I.R., requires proper assessment and appreciation by the learned Trial Court after recording evidence. He further submits that the challan has already been submitted before the learned Trial Court and the applicant/accused is regularly appearing and attending the proceedings; hence, he is no longer required by the police for the purpose of investigation or any further inquiry. Lastly, learned counsel submits that the interim pre-arrest bail already granted to the applicant may kindly be confirmed on the same terms and conditions.

4. The complainant is present in Court, while learned Deputy Prosecutor General, Sindh, has vehemently opposed confirmation of the interim pre-arrest bail already granted to the applicant/accused. He submits that the applicant has been specifically nominated in the F.I.R. with specific role. It is, therefore, argued that the applicant does not deserve the extraordinary concession of pre-arrest bail, particularly when no mala fide or ulterior motive on the part of the prosecution has been established. Accordingly, learned D.P.G. has prayed for dismissal of the application and refusal of confirmation of the interim pre-arrest bail.

5. I have heard learned counsel for the applicant/accused, learned D.P.G., Sindh, and the complainant, who is present in Court, and have carefully gone through the available record.

6. Seemingly, the applicant has been specifically nominated in the F.I.R. However, the F.I.R. was lodged after an unexplained delay of about four months, which, at this stage, has not been satisfactorily explained by the complainant. Such delay, *prima facie*, raises a question requiring further inquiry into the circumstances in which the applicant has been nominated in the F.I.R. It is also an admitted position that all the offences alleged against the applicant are bailable, except Section 506(2), P.P.C. The applicability of the said provision to the applicant, in the circumstances of the case, is a matter to be determined by the learned Trial Court after recording and appreciating the evidence. At this stage, only a tentative assessment of the available material is required, and it would not be appropriate to undertake a deeper appreciation of the evidence or record any definitive finding regarding the guilt or innocence of the applicant. It is further an admitted position that the investigation has been completed, the challan has been submitted before the learned Trial Court, and the applicant has been regularly attending the proceedings. There is also nothing on record to suggest that the applicant has misused the concession of bail. He is, therefore, no longer required by the police for the purpose of investigation. Moreover, the question of his ultimate guilt or innocence is yet to be determined by the learned Trial Court on the basis of evidence to be recorded before it.

7. Accordingly, the bail application stands **allowed**. Consequently, the interim pre-arrest bail granted to the applicant/accused by this Court vide order dated 11.06.2026 is hereby **confirmed** on the same terms and conditions.

8. Nevertheless, it has been observed that the findings and observations made herein are purely tentative in nature and have been recorded solely for the purpose of deciding the present bail application. They shall not prejudice or influence the case of either party during the course of trial, which shall be decided strictly on the basis of the evidence adduced before the trial Court.

Judge

Manzoor