

HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-519 of 2026

(Gulzar Ali vs. The State)

Applicant : Gulzar Ali s/o Qurban Ali
Through Mr. Mir Muhammad Nohri, Advocate.

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

Date of hearing : 15.10.2026

Date of Order : 15.10.2026

ORDER

NISAR AHMED BHANBHRO, J: Through the instant bail application, applicant Gulzar Ali s/o Qurban Ali, seeks post arrest bail under Section 497 Cr.P.C in F.I.R bearing Crime No.216 of 2026, registered at Police Station Umerkot City for offences punishable under Sections 392, 506(ii), 34 P.P.C. His earlier application for post arrest bail was dismissed by the learned Additional Sessions Judge-I, Umerkot, vide order dated 12-09-2026 passed in Criminal Bail Application No. 791 of 2026, whereafter he invoked the jurisdiction of this Court.

2. The facts necessary for deciding instant bail application are that complainant Mohit Nehalani lodged instant F.I.R., on 12-08-2026 at PS Umerkot City alleging therein that he owns Super Mustafa Medical and General Store situated at Thar Bazaar, Umerkot, which he personally manage. Yesterday, on 11.08.2026, he, Om Parkash Lohano and Lajpat Malhi were present at their store and were closing it when, at about 10:10 p.m., a red-coloured 125 C C motorcycle stopped in front of their store. Two unknown persons, whom they can identify upon seeing them, got off the motorcycle. One of them was armed with a Kalashnikov, while the other was carrying a pistol. Both accused entered in their store, pointed their weapons at them, and ordered them to remain silent. Out of fear of the weapons, they remained silent. In their presence, one of the accused took away the cash lying in the drawer of the store counter, comprising fifty notes of Rs.5,000/= each, one hundred notes of Rs.1,000/= each, fifty notes of Rs. 500/= each, and one hundred notes of Rs. 100/= each, amounting to a total sum of Rs. 385,000/-. After issuing threats to kill them, the accused fled on the same motorcycle on which they had arrived. They promptly informed the police, who

arrived at the scene. Thereafter, they, along with police, made efforts to trace and search for the accused, but no information regarding their whereabouts could be obtained. Therefore, he appeared at police station and lodged instant F.I.R.

3. Learned counsel for the applicant contended that name of the applicant does not mention in the F.I.R and the name of the applicant was taken by witness Lajpat in his statement under section 161 Cr.P.C after delay of two days of the F.I.R. He further contended that no recovery of the robbed property was affected from possession of applicant and so also no identification parade was held. He next contended that main culprits namely Idrees and Shahabuddin have been killed in a police encounter at Karachi, therefore he submits that case of the applicant requires further inquiry and he is entitled for grant of bail.

4. Conversely, learned D.P.G opposed bail on the ground that offence alleged is serious in nature and is against society. He further submits that robbery was committed from the heart of Umerkot city during night hour at closes business hours, therefore, there is no ill will of the complainant to falsely involve the applicant as initially in the F.I.R no one was named but later on, on the basis of CCTV footage and statement of other persons the names of the applicant and co-accused were included in charge sheet. He, therefore, prayed for dismissal of instant bail application.

5. Heard arguments and perused the record. Perusal of record shows that no doubt the name of the applicant/ accused does not transpire in the F.I.R or even his descriptions were not available. However, since the applicant/ accused was not known to the complainant; his name was not given in F.I.R., which reflects that complainant had no ill-will to falsely involve the applicant in this crime. Moreover, the applicant is involved in a case which has caused fear and serious apprehension in the minds of public at large and said offence is against society. The robbery and dacoity have alarmingly increased and if the cases involving robbery and dacoity are decided in a run of a mill manner then the society at large will be affected. The applicant/ accused was arrested by the police and a pistol containing four live rounds in its magazine was recovered from him and at the time of his arrest he was also wearing the same dress which he was found wearing in CCTV footage at the time of alleged incident.

6. From the tentative assessment of material available on record, as has been discussed above, there appear to be sufficient grounds to believe that the applicant is connected with the commission of alleged crime. The offence alleged is punishable from 07 to 14 years; even otherwise it is not a hard and fast rule for grant of bail, if the offence does not attract prohibitory clause of section 497(1) Cr.P.C.

7. For the foregoing reasons, and without expressing any final opinion on the merits of the case, no case for grant of post arrest bail is made out. Consequently, instant bail application is **dismissed**.

8. Needless to observe that the findings and observations recorded herein are purely tentative in nature and confined to the disposal of the instant bail application. The learned trial Court shall decide the case strictly on the basis of the evidence brought before it, independently and without being influenced by any observation contained in this order.

JUDGE

Approved for reporting.

Saleem

