

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

1<sup>st</sup> Cr. Bail Appln. No. S- 410 of 2025.

Applicant : Muhammad Jeeand @ Jeeand Shar (on bail).  
through Mr. Anwar Ali Shaikh, Advocate.

The State : Through Mr. Ali Anwar Kandhro,  
Additional Advocate General, Sindh.

Complainant Ahmed Khan & PW Ali Muhammad,  
present in person.

Date of hearing : **22.09.2025.**

Date of Order : **22.09.2025.**

O R D E R

**Muhammad Saleem Jessar, J.-** Having been declined the prayer for grant of pre-arrest bail vide order dated 22.07.2025 by the Court of learned 1<sup>st</sup> Additional Sessions Judge, Shikarpur, applicant/accused Muhammad Jeeand *alias* Jeeand son of Ghulam Sarwar *alias* Sadoro, by caste Shar, has approached this Court for seeking bail before arrest in crime No.14 / 2025, registered at P.S Garhi Yasin, District Shikarpur, for offence under Sections 395, 396 r/w Section 302, PPC.

2. Facts of the prosecution, in brief, are that on 15.02.2025, at about 6.00 p.m. time, the applicant/accused armed with Kalashnikov along with his 04 accomplices, armed with deadly weapons, intercepted complainant Ahmed Khan Marfani, his uncle Wali Muhammad, cousin Ali Dost and minor brother of complainant namely Muhammad Younis, aged about 5/6 years, and on resistance offered by complainant party during committing dacoity of their valuables, co-accused Deedar by making pistol fire committed murder of minor Muhammad Younis. Hence, such FIR was lodged by complainant on 16.02.2025 with Police Station Garhi Yasin.

3. Learned Counsel for the applicant argued that the applicant is innocent and he has been falsely implicated by the complainant party; that no

overt act is attributed to the applicant and the pivotal role of firing at minor deceased Muhammad Younis is assigned to co-accused Deedar; that the FIR has been lodged with the delay of one day, for which no plausible explanation has been furnished by the complainant; that the complainant and father of deceased have sworn in their affidavits, thereby recording no objection for grant of pre-arrest bail to the applicant, therefore, case against the applicant requires further inquiry.

4. Conversely, learned Addl. P.G. opposed the bail application, contending that the applicant is nominated in the FIR and he being member of the gang of dacoits, who while committing dacoity brutally killed an innocent minor boy of 5/6 years, is not entitled for extraordinary concession of pre-arrest bail.

5. Complainant and PW Ali Muhammad present in person outrightly recorded no objection for confirmation of interim pre-arrest bail already grant to the applicant/accused.

6. On the tentative assessment of the material available on the record, it appears that the applicant was identified and named by the complainant and PWs to be one of the culprits, who committed robbery from them and was armed with Kalashnikov at the time of alleged incident. So far affidavits filed by the complainant and PW Ali Muhammad, whereby they have simply recorded no objection, are concerned, those on the contrary leave an adverse impact on the case of applicant that he has tried to tamper with the prosecution evidence. The superior Courts have deprecated the growing tendency and practice of filing affidavits by witnesses at the bail stage with intention to create doubt into the prosecution case/evidence and thereby facilitating the grant of bail to the accused. Such practice cannot form a valid basis for granting bail in cases involving such heinous charges/offences. In the instant case while committing robbery the outlaws had caused brutal murder of a minor boy who was accompanied with his father and brother, therefore, the applicant being active member of the gang is liable to be punished conjointly. This is not a case of simple robbery or dacoity, but the applicant and his accomplices are alleged to have committed brutal murder of an innocent minor boy of 5/6 years while committing robbery, therefore, *prima facie*, the applicant is equally responsible for committing murder during robbery. The offence, with which the applicant stands charged, carries capital punishment.

7. Apart from that, the witnesses in their respective statements u/s 161, Cr.P.C. have fully implicated the applicant. Hence, sufficient material is available on record to *prima facie* connect the applicant with the commission of alleged offence and he does not deserve the extraordinary concession of pre-arrest bail.

8. In the light of above, instant bail application being without substance was dismissed by a short order dated 22.09.2025. Above are the detailed reasons for such short order.

9. The observations recorded herein above are tentative, which shall not affect the case of either party at trial.

Larkana.  
Dated 24-09-2025.

JUDGE

**Qazi Tahir PA/\***