

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 3052 of 2025

Applicant : Ghulam Qadir Lashari
son of Muhammad Saleh Lashari
through M/s. Muhammad Jamil and
Asadullah Ahmedani, Advocates

Respondent : The State
through Ms. Najma Latif Golo,
A.P.G. Sindh a/w Inspector Ghulam
Asghar and SI-Javed Ahmed Abro .

Complainant : Inspector Javed Ahmed Abro
son of Muhammad Shareef [late]
Through Mr. Muhammad Ibrahim Abro,
advocate

Date of hearing : 04.05.2026.

Date of order : 04.05.2026.

ORDER

Jan Ali Junejo, J. - By this order, I intend to dispose of the above captioned bail application whereby applicant Ghulam Qadir Lashari son of Muhammad Saleh Lashari seeks post arrest bail in Crime No.340 of 2025 registered at Police Station Bin Qasim, Karachi for offences under Sections 302, 109 and 34 PPC.

2. The facts, in essence are that with reference to Rapt No. 15 of Roznamcha Aam of P.S. Bin Qasim, District Malir, dated 20.08.2025, ASI Ghulam Nabi recorded the statement of Inspector Javed Ahmed Abro son of Muhammad Sharif (late) under Section 154 Cr.P.C., who stated that he resides at the given address with his family and is serving in the Police Department as Inspector, presently posted at SSP Office Malir, Karachi. He further stated that on 18.08.2025, his brother ASI Muhammad Khan Abro posted at P.S. Steel Town alongwith his nephew Kashif Ali was with him in car No. AKB-525 (Toyota Corolla) when they went to Malir Court. After returning, his brother dropped him and his nephew at Steel Town House and proceeded to his residence at House No. A-234, Eido Baloch Goth. Thereafter, his cousin Mashooq Ali informed him through mobile No. 0323-1349429 at about 5:10 p.m. that unknown armed persons had

fired upon his brother Muhammad Khan, as a result of which he sustained injuries and was being shifted to Ayesha Hospital, Gulshan-e-Hadeed. Upon receiving the information, he immediately informed the SHO P.S. Steel Town and, along with relatives, reached Ayesha Hospital, where he was informed that his brother had expired. Upon inquiry, his cousin Mashooq Ali stated that Muhammad Khan had taken him in his car from PSO Pump, Steel Town, and both had gone to Eido Baloch Goth, where at the house of Muhammad Khan, upon knocking, Muneer Ahmed threw the key from the first floor. While Muhammad Khan was near the car and talking, at about 5:00 p.m., two unknown armed persons riding a motorcycle without a number plate opened straight fire upon him, causing him serious injuries and he fell down. The assailants fled away; one was wearing pants and shirt while the other was wearing shalwar kameez. The incident was witnessed by Muneer Ahmed from the first floor, who described the assailants as appearing to be Sindhi and Baloch. The injured was shifted to Ayesha Hospital Gulshan-e-Hadeed, where he was declared dead. The dead body was later shifted to Jinnah Hospital, and after legal formalities, it was handed over to the family for burial. The complainant, after consultation, lodged the report against two unknown armed persons who allegedly fired upon his brother and committed his murder, hence this FIR. .

3. Learned counsel for the applicant has advanced his submissions with vehemence and argued, inter alia, that the applicant is an old and infirm person, aged about 70 years, and has been falsely implicated in the present case on account of mala fide intentions and ulterior motives. It was argued that the applicant was nominated in the FIR in utter disregard of law and settled procedure on concocted allegations, which require further inquiry. Learned counsel further submitted that the applicant, after arrest, remained in police custody and was subsequently sent to judicial custody, and is no longer required for further investigation, thus bringing his case within the ambit of further inquiry and entitling him to post-arrest bail. It was further contended that being an aged person, he is also entitled to bail under Section 497(1) Cr.P.C., and that he is suffering from multiple age-related ailments, including a recent heart attack and other serious medical conditions such as diabetes, hypertension, and chest

pain, as reflected in medical reports, warranting grant of bail on humanitarian and medical grounds. It was argued that no specific role or direct allegation of involvement has been attributed to the applicant, and the record of the prosecution does not establish any corroboratory evidence against him; hence, at best, it is a case of further inquiry under Section 497(2) Cr.P.C. Learned counsel further contended that there was an unexplained delay of two days in lodging the FIR, which renders the prosecution story doubtful, and that the complainant is not an eye-witness of the alleged incident, further weakening the prosecution case. It was also submitted that the identification parade was not properly conducted as the application for such parade was dismissed on 01.09.2025. It was further alleged that the applicant was illegally arrested on 20.08.2025 and kept in unlawful custody, and despite remand, no recovery was effected from his possession, nor any incriminating material was discovered on his pointation. Learned counsel further argued that the investigation has failed to collect any independent oral or documentary evidence against the applicant, and only vague and general allegations have been leveled. He lastly contended that the impugned order dated 31.10.2025 was passed in haste without proper appreciation of facts and law, in violation of Article 10-A of the Constitution, and that the applicant is a non-convict with no previous criminal history; therefore, he is entitled to the concession of bail.

4. Conversely, the learned Assistant Prosecutor General, representing the State and duly assisted by learned counsel for the complainant, vehemently opposed the grant of post-arrest bail to the applicant/accused. It was argued that during the course of investigation, the applicant/accused was arrested and had confessed to the commission of the offence. The alleged offence is of a heinous nature and falls within the prohibitory clause of Section 497 Cr.P.C. Therefore, the applicant/accused is are not entitled to the concession of post-arrest bail.

5. I have heard the learned counsel for the applicant, the learned counsel for the complainant, and the learned APG for the State, and have carefully examined the material available on record with their able assistance.

6. The prosecution case, as reflected from the FIR is that the deceased ASI Muhammad Khan Abro was allegedly subjected to firing by unknown armed motorcyclists, resulting in his death. Initially, the case was registered against unknown persons, and no specific accused was named at the time of registration of FIR. The name of the present applicant surfaced subsequently during the course of investigation.

7. A careful perusal of the record, at this tentative stage, reveals that no allegation has been attributed to the present applicant as the principal assailant, nor is he stated to have been present at the place of incident at the relevant time. The prosecution version itself, even as per the material collected during investigation, indicates that the occurrence was committed by unknown armed persons on a motorcycle, whereas the present applicant is sought to be connected only in the capacity of alleged abettor on the premise that the motor vehicle allegedly used in the occurrence is stated to be linked with him.

8. It is an admitted position that the case, insofar as the applicant is concerned, does not rest on direct ocular account placing him at the scene of occurrence. The complainant himself is not an eye-witness, whereas the alleged eyewitness account emanates from persons whose evidentiary worth and role are yet to be tested during trial. In these circumstances, the nexus of the applicant with the actual commission of murder, at best, appears to be inferential and requires deeper appraisal of evidence.

9. It is a well settled notion of law that further inquiry is a question which must have some nexus with the result of the case for which a tentative assessment of the material on record is to be considered for reaching a just conclusion. It pre-supposes the tentative assessment which may create doubt with respect to the involvement of the accused in the crime. The law of bails is not a stagnant law but is developing with the exigencies of time. The expression "reasonable grounds" as contained under section 497, Cr.P.C., necessitated the prosecution to show that it is in possession of sufficient material or evidence to demonstrate that

accused had committed an offence falling within the prohibitory limb of section 497, Cr.P.C. However for seeking the concession of bail, the accused person has to show that the material or evidence collected during investigation against him creates reasonable doubt or suspicion in the prosecution case. While deciding bail applications, it is the foremost duty of the Courts to apply a judicious mind tentatively for reaching the just and proper conclusion regarding whether reasonable grounds are made out or not to enlarge the accused on bail, and the expression 'reasonable grounds' signifies and corresponds to the grounds which are legally rational, acceptable in evidence and attractive to the judicial mind, as opposed to being imaginative, fallacious and/or presumptuous. Whenever reasonable doubt ascends with regard to the involvement of an accused person in the crime or about the certainty or probability of the prosecution case and the evidence proposed to be produced in support of the charge in Court during trial, the accused should not be deprived of the benefit of bail and it would be better to keep him on bail than in jail. The basic idea is to enable the accused to answer the criminal prosecution against him rather than to make him rot behind bars. The accused is entitled to expeditious access to justice, which includes the right to a fair and expeditious trial without any unreasonable or inordinate delay. Certain basic principles regarding grant or refusal of bail are settled i.e. that bail cannot be withheld as punishment; every person is presumed to be innocent unless found guilty by a competent court; every person is entitled to a fair trial, which includes a trial without inordinate delay; and that the basic philosophy of criminal jurisprudence is that the prosecution has to prove its case beyond reasonable doubt and this principle applies at all stages including the pre-trial stage, and even at the time of deciding whether the accused is entitled to bail or not.

10. In such a situation, where serious doubts arise regarding the veracity of the prosecution case and the material available does not satisfy the requirement of prima facie guilt, the benefit must go to the accused even at the bail stage. As held by the Hon'ble Supreme Court in a catena of judgments including Muhammad Ejaz v. The State (2022 SCMR 1271), Muhammad Arshad v. The State (2022 SCMR 1555), Fahad Hussain v. The State (2023 SCMR 365), and Tariq Bashir v. The State (PLD 1995 SC

34), the principle that “benefit of doubt, if any, must always be extended to the accused” applies equally at the bail stage.

11. For the foregoing reasons, this Criminal Bail Application is allowed and the applicant/accused Ghulam Qadir Lashari son of Muhammad Saleh Lashari is admitted to bail in FIR No.340 of 2025, under Section 302, 109, 34 PPC, registered at Police Station Bin Qasim, Karachi, subject to furnishing solvent surety in the sum of Rs.2,00,000/- and P.R. bond in the like amount to the satisfaction of the learned Trial Court. Needless to observe that the above observations are tentative in nature and shall not prejudice the case of either party at trial. These are the detailed reasons of the Short Order dated: 04.05.2026.

JUDGE