

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No. 1501 of 2026

Applicant : Hassan @ Muhammad Hassan
son of Oso @ Muhammad Usman
Through Mr. Liaquat Ali Khaskheli,
advocate

Complainant : Mst. Nooran W/o. Muhammad
Through Mr. Ali Asghar Dholo
advocate.

The State : The State:
Through Ms. Najma Latif Golo,
A. P. G. Sindh a/w Inspector Abdul
Majeed of PS Sujawal.

Date of hearing : 15.09.2026.

Date of Order : 15.09.2026.

ORDER

Jan Ali Junejo, J:- Through this order, I intend to decide the instant post-arrest bail application filed under Section 497 Cr.P.C. by the applicant Hassan @ Muhammad Hassan son of Oso @ Muhammad Usman, who seeks his release on bail in connection with FIR No.39 of 2025 registered at Police Station Ladiun, District Sujawal for the offences punishable under Sections 302, 324, 114, 506/2, 504, 34 PPC. The applicant has approached this Court being aggrieved by the order dated 31.03.2026 passed by the learned Additional Sessions Judge-I, Sujawal whereby his bail application was declined.

2. Briefly stated, the prosecution case as reflected in the FIR is that the complainant Mst. Nooran wife of Muhammad Mallah, resident of Village Soomar Pakhero, Deh Hajia, Taluka Shahbunder, District Sujawal, lodged the FIR at Police Station Ladiun, alleging therein that her son Ramzan used to sell fish for his livelihood. A few days prior to the occurrence, Abbas Mandhro had purchased fish from Ramzan but did not pay the amount due. When Ramzan demanded payment, Abbas Mandhro became annoyed and extended threats to him. On 18.07.2025, while she was present at her house, she heard shouting coming from Pakhera Stop. She

alongwith her son Ghulam Qadir, her relative Ramzan son of Hashim Mallah, Asif son of Khudo Mallah and others, rushed towards the place of occurrence. At about 9:00 p.m. they saw accused Abbas son of Muhammad armed with a pistol, accused Siddique son of Jumoo armed with a hatchet, and accused Younis son of Muhammad and Hassan son of Osso armed with batons, abusing Ramzan. When she went near Ramzan, accused Abbas aimed his pistol at them and threatened that anyone who came near would be killed. Meanwhile, accused Younis son of Muhammad and Hassan son of Osso caught hold of Ramzan by his arms, while accused Siddique caused a hatchet blow on the forehead, above his left eye, with the intention to commit his murder. Accused Siddique then instigated accused Abbas to kill Ramzan with his pistol, whereupon accused Abbas fired a shot at Ramzan, who fell to the ground, and the bullet struck him on the left side of his chest near the heart. Blood started oozing from the injury, and Ramzan writhed in pain and lost consciousness. Thereafter, accused Siddique caused another hatchet blow to Ramzan on his head and yet another blow on his left arm, with the intention to commit his murder. Accused Younis caused a baton blow to Asif Mallah on the left side of his head, whereas accused Hassan caused a baton blow to Ghulam Qadir on the right side of his shoulder. On her raising cries, the accused persons abused them and left the place of occurrence. Thereafter, she arranged a vehicle and shifted her sons and relatives to Civil Hospital, Chuhar Jamali, and also informed the Jungo Jalbani Police. Her son Ramzan succumbed to his injuries at the hospital. The police arrived there, completed the necessary formalities regarding the dead body, and issued medical examination letters in respect of the injured persons. The postmortem examination of the deceased was conducted, whereafter the dead body was handed over to the complainant party for funeral. The injured persons were referred to Civil Hospital, Thatta, for further treatment. After the burial of the deceased, the complainant lodged the instant FIR, hence this FIR.

3. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the present case due to enmity and ulterior motives. He contends that there is an unexplained delay of about one day and nine hours in lodging the FIR, which creates serious doubt regarding deliberation, consultation and false implication. He

further submits that no specific role of causing the fatal injury has been attributed to the applicant, as the allegation of firing upon the deceased is specifically assigned to co-accused Abbas, whereas the hatchet injuries are attributed to co-accused Siddique. He argues that the only allegation against the applicant is that he allegedly caught hold of the deceased, which is vague and requires deeper appreciation, particularly when no principle of vicarious liability is attracted in the circumstances of the case. He further submits that the allegation of causing a single baton blow to injured Ghulam Qadir on his shoulder has been declared as “other hurt,” punishable under Section 337-L(ii) PPC, which is a bailable offence, and that no grievous or dangerous injury has been attributed to the applicant. Learned counsel contends that no recovery whatsoever has been effected from the applicant, nor has any incriminating article been secured from his possession, connecting him with the alleged offence. He submits that the investigation has already been completed and challan has been submitted before the competent Court; hence, the applicant is no longer required for investigation purposes. He further submits that the applicant is a permanent resident of District Sujawal, has deep roots in society and there is no likelihood of his absconding or tampering with the prosecution evidence. He adds that the applicant has remained behind bars for a considerable period and the trial is likely to take sufficient time for its conclusion. According to learned counsel, the case of the applicant squarely falls within the ambit of further inquiry under Section 497(2), Cr.P.C., as his alleged role is clearly distinguishable from that of the principal accused persons; mere presence at the place of occurrence or an allegation of catching hold is insufficient to connect him with the commission of murder, particularly when no overt act causing the fatal injury has been attributed to him. He further submits that the prosecution has implicated almost all family members by assigning omnibus allegations, a practice commonly witnessed in rural disputes, which requires cautious judicial scrutiny. He, therefore, prays that the applicant be admitted to bail. In support of his contentions, learned counsel for the applicant relied upon the case laws reported in 1994 SCMR 2161, 1995 SCMR 310, 2012 SCMR 1137, 2021 SCMR 470, 2014 YLR 1242, 2010 YLR 2839, 2001 YLR 214, 2008 P.Cr.L.J 1512, 2002 P.Cr.L.J 707, 1995 P.Cr.L.J 912, 1992 P.Cr.L.J 545, 1978 SCMR 357, 2017 SCMR 279, 2022 SCMR 1271, 2021 SCMR 2011, 1995 SCMR 1360 and 2017 YLR Note 233.

4. Conversely, learned APG assisted by learned counsel for the complainant opposed the grant of bail and argued that the applicant was present at the place of occurrence and actively participated in the commission of the offence by catching hold of the deceased, thereby facilitating the assault upon him by the co-accused. It is contended that the applicant's presence at the scene and his specific act of restraining the deceased are attributed to him in the FIR and, prima facie, constitute active facilitation and abetment in the commission of the offence. Learned counsel further submits that the role attributed to the applicant cannot be considered merely passive or inconsequential, as he allegedly restrained the deceased while the co-accused inflicted fatal injuries upon him. He, therefore, submits that the applicant's role requires deeper appreciation of the evidence at trial and cannot be discarded at the bail stage. He has failed to establish any mala fide on the part of the complainant or the investigating agency. The offence under Section 302 PPC carries the capital punishment and falls within the prohibitory clause of Section 497 Cr.P.C.; hence, the applicant is not entitled to the concession of bail. In support of his contentions, learned counsel for the complainant relied upon the case laws reported in 2022 SCMR 363, 2020 SCMR 2089, 2022 SCMR 640, 2021 SCMR 111, 2021 SCMR 2017 and 2022 SCMR 267.

5. I have heard learned counsel for the applicant, learned APG and learned counsel for the complainant, and have gone through the available record with their assistance.

6. The accusation against the applicant is to be assessed in the backdrop of the specific role attributed to him in the FIR. Although the fatal firearm injury is attributed to co-accused Abbas and the hatchet injuries are attributed to co-accused Siddique, the applicant is specifically alleged to have caught hold of the deceased by his arms, along with co-accused Younis, while the deceased was being assaulted by the co-accused. Such allegation, at this stage, cannot be treated as a mere passive presence or an inconsequential act, particularly when the applicant is alleged to have restrained the deceased at the very time when the assault resulting in his death was being perpetrated. Prima facie, the role attributed to the applicant indicates active participation and facilitation in

the commission of the offence and, therefore, requires proper appreciation at the trial.

7. The contention of learned counsel for the applicant that no fatal injury has been attributed to him does not, by itself, entitle him to the concession of bail. At the bail stage, the Court is not required to make a deeper appreciation of the evidence or determine the ultimate guilt or innocence of the accused. What is required to be seen is whether there are reasonable grounds for believing that the applicant is connected with the commission of the alleged offence. In the present case, his presence at the place of occurrence and the specific allegation that he caught hold of the deceased are consistently attributed to him, which, *prima facie*, connects him with the occurrence.

8. The plea that the injury allegedly caused by the applicant to injured Ghulam Qadir has been declared as “other hurt” also does not advance the case of the applicant. The prosecution case against him is not confined to the said injury; rather, he is specifically alleged to have restrained the deceased during the assault committed by the co-accused. Thus, the role attributed to him has to be examined in the context of the entire occurrence and not in isolation.

9. The authorities relied upon by learned counsel for the applicant have been considered; however, the applicability of case-law depends upon the facts and circumstances of each case. In the present matter, the specific allegation that the applicant caught hold of the deceased at the time of the occurrence distinguishes his case from one of mere presence or false implication through an omnibus allegation. At this stage, the material available on record does not persuade this Court to hold that the applicant's case falls within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C.

10. Conversely, the prosecution has been able to show, *prima facie*, that the applicant was present at the place of occurrence and participated in the occurrence by restraining the deceased, thereby facilitating the assault upon him by the co-accused. The alleged role assumes significance because the deceased was thereafter subjected to successive blows and a firearm shot, as a result of which he succumbed to his injuries. Whether

the applicant shared the common intention or otherwise rendered intentional aid or facilitation in the commission of the offence is a matter to be determined by the learned trial Court after recording evidence; however, such question cannot be conclusively resolved in favour of the applicant at the bail stage.

11. The offence alleged under Section 302, PPC, carries the punishment of death and falls within the prohibitory clause of Section 497, Cr.P.C. Having regard to the specific role attributed to the applicant, the nature and gravity of the occurrence, and the material available on record, no ground for extending the concession of further inquiry under Section 497(2), Cr.P.C. is made out. Consequently, the applicant has failed to make out a case for grant of post-arrest bail.

12. For the foregoing reasons, the instant post-arrest bail application is found to be without merit and is accordingly dismissed. The observations made herein are tentative in nature and shall not prejudice the case of either party at the trial.

JUDGE