

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT
LARKANA**

Criminal Bail Application No.S-26 of 2026

Applicants : 1). Atta Muhammad,
2). Fateh Muhammad, both sons of
Muhammad Sallah by caste
Khuhawar, through Mr. Farooq Ali
Bhutto, Advocate.

The State : Through Mr. Nazeer Ahmed
Bhangwar, Deputy Prosecutor
General.

Date of hearing : 08.06.2026.
Date of decision : 08.06.2026.

ORDER

Ali Haider 'Ada' J:- Through this bail application, the applicants seek post-arrest bail in Crime No.18 of 2025, registered at Police Station B-Section, Shahdadt, for offences punishable under Sections 302, 311 and 34, P.P.C. Before filing the instant application, the applicants approached the learned Sessions Judge, Kamber-Shahdadt, by filing Bail Application No.348 of 2025, which was entrusted to the learned 1st Additional Sessions Judge, Shahdadt, and the same was dismissed.

2. Briefly stated, the prosecution case is that on 28.03.2025 at about 3:00 p.m., complainant SIP Abdul Jabbar lodged the subject FIR at Police Station B-Section, Shahdadt, stating therein that on the same day, while he along with his subordinate staff was on routine patrol duty, they received spy information near Tanwari Shakh Bridge that the present applicants, along with their associates, intended to kill their sister, namely Mst. Shahida, who had returned to her mother's house from the Safe House, Kamber-Shahdadt, a

few days earlier. Acting upon such information, the complainant party proceeded towards the pointed place and at about 2:00 a.m. reached a house situated in Shaikh Colony, Shahdadt, where they allegedly witnessed accused Atta Muhammad, Fateh Muhammad (the present applicants), Ghulam Sarwar and one unidentified culprit, all armed with firearms, firing upon a lady present there, as a result whereof she fell to the ground raising cries. It is further alleged that upon the police party raising hails, the accused persons fled from the place of occurrence by scaling over the boundary wall and, despite pursuit by the police party, succeeded in making their escape under the cover of darkness. Thereafter, the police officials returned to the house and found the lady lying dead. A woman present at the scene disclosed that the deceased was Mst. Shahida, wife of Muhib Malhani and daughter of Muhammad Sallah, aged about 45 years, and that she had been murdered by her brothers and other accused persons over a false allegation of Karo-Kari. The complainant thereafter observed multiple firearm injuries on different parts of the body of the deceased. Necessary mashirnamas were prepared at the spot, and the dead body was shifted to Taluka Hospital, Shahdadt, for postmortem examination. Upon completion of the preliminary proceedings, the present FIR was registered on behalf of the State. After usual investigation, challan was submitted before the competent Court of law.

3. Learned counsel for the applicants contended that the applicants are innocent and have been falsely implicated in the present case due to mala fide intentions and ulterior motives on the part of the complainant. He further argued that the FIR was lodged after an unexplained delay of approximately thirteen hours, which renders the prosecution case doubtful. Learned counsel further submitted that all the prosecution witnesses cited in the case are

police officials, whereas no private witness, legal heir of the deceased, or person from the locality has been associated with the investigation or cited as a witness. He also argued that it is highly improbable that despite the presence of an armed police party at the scene of occurrence, the accused persons could easily flee away after committing the alleged offence and the police could neither apprehend them nor rescue the deceased. According to the learned counsel, these circumstances render the prosecution story inherently improbable and call for further inquiry within the meaning of Section 497(2), Cr.P.C, thereby entitling the applicants to the concession of bail.

4. Conversely, learned Deputy Prosecutor General opposed the grant of bail and supported the impugned order. He submitted that, prima facie, the occurrence is a case of honour killing and the allegations against the applicants are specific and direct in nature. He further argued that the deceased was subjected to multiple firearm injuries resulting in her death and the medical evidence fully corroborates the prosecution version. According to the learned D.P.G., the material available on record constitutes reasonable grounds for believing that the applicants are connected with the commission of the alleged offence and, therefore, they do not deserve the concession of post-arrest bail.

5. Heard learned counsel for the respective parties and have carefully perused the material available on record with due care and judicial caution.

6. Prima facie, the case of the applicants does not qualify for any relief for post-arrest bail. The perusal of the record reflects that the ocular testimony is fully consistent with medical as well as circumstantial accounts, which is further substantiated with the

recovery of crime weapon viz DBBL Gun, from one of the applicants namely Fateh Muhammad. All the PWs have supported the prosecution story and their statements are mutually corroborative, consistent, and support the prosecution version that the murder of the deceased was committed on the pretext of *Karo-Kari* (honour killing).

7. It further appears that Mst. Shahida, who is the real sister of the present applicants, was targeted in the incident and was done to death after sustaining multiple injuries. At this stage, there is sufficient material on record connecting the applicants with the alleged offence. The consistent statements of witnesses, medical evidence, and the sequence of events tend to support the prosecution case. In this regard, guidance may be taken from the authoritative judgment of the Honourable Supreme Court in the case of *Itbar Muhammad v. The State and others (2024 SCMR 1576)*, the relevant paras are reproduced as under:

7. On perusal of record it reflects that this is a case in which one person has lost his life and one person has sustained injuries at the hands of accused persons. Furthermore, the petitioner/accused along with another accused was nominated in the FIR and specific role of firing at the deceased and injured person was attributed to petitioner specifically. P.Ws in their statements have supported the version of the complainant given by him in the FIR. The medical evidence also corroborates the ocular account.

9. This Court in the case of Shoukat Ilahi v. Javed Iqbal and others (2010 SCMR 966) has ruled as under:-

"6. We have given due consideration to the submissions made and have gone through the material available on record. From the record, we find that the name of the petitioner was mentioned in the F.I.R.; that the motive had been alleged against him; that a specific role of raising lalkara was assigned to him and that it was specifically mentioned that he and his co-

accused fired at the deceased, which hit him. The P.Ws. have supported the case in their 161, Cr.P.C. statements which is further corroborated by the medical evidence, as according to the Medical Officer the deceased had six firearm entry injuries.

8. The medical evidence available on record fully corroborates the ocular account furnished by the prosecution witnesses. The nature of the offence, which involves the cold-blooded murder of a lady on account of so-called honour, attracts the punishment of death or life imprisonment, thereby bringing the case squarely within the ambit of the prohibitory clause of Section 497, Cr.P.C. In support of this view, reliance is placed upon the judgment of the Honourable Supreme Court in the case of *Kamran v. The State (2024 SCMR 1419)*.

9. The prevailing culture of honour-based violence is deeply problematic, as it often results in fatalities carried out without fear of legal consequences or retribution. Such killings are not merely isolated acts of violence, but rather constitute an institutionalized form of gender-based oppression, where women are punished, often by their own family members under the guise of restoring 'honour.' Honour killing represents one of the most extreme manifestations of violence against victims, typically perpetrated by family members, and often justified through social or cultural pretexts that have no basis in law. The Honourable Apex Court unequivocally condemned such acts. The relevant observations of the Honourable Supreme Court in the case of *Muhammad Ali Mahar v. The State (2024 SCMR 1584)* are reproduced below for ready reference:

16. We have also surveyed and glance over some research-based articles on "Honour Killing" which are very enlightened to the subject and for better understanding, few passages are reproduced as under: -

1. *Karo kari is defined as an act of murder, in which a woman is killed for her actual or perceived immoral behavior. In Karo Kari if a woman is engaged in some kind of unlawful sexual relationship with a man or if she has refused to submit to an arranged marriage, she is branded as Kari or "black female" and in order to cleanse the honor of the man to whom she 'belongs' he received permission to kill her and prove that he has safeguarded his honor by doing so. Whereas the tribal law dictates that the man who is branded karo or "black male" should also be killed but usually that does not happen and the karo has the opportunity to flee, while his family members negotiate with the dishonored family to save his life. Ref: Honor Killings-Reckless Practice of the Culture, Asian Human Rights Commission (2012), [<http://www.humanrights.asia/opinions/AHRC-ETC-010-2012>].*

2. *Honor killing is one form of extreme violence perpetrated on women by men... It is called karo kari (literarily: blackened man, blackened woman). It most commonly is a premeditated killing of a girl or woman, committed by her brother, father, or combination of male agnates in the name of restoring what they consider their family's honor by her behavior. The genesis of honor killing in human societies is deeply sedimented in history but has been linked by various scholars with ascendant patriarchal structures. Ref: A Hermeneutic Study of Various Discourses, ProQuest Information and Learning Company (2003), [<https://shareok.org/handle/11244/590>].*

3. *Honor killings are known as 'Karo Kari' which in literal sense means 'black man and black woman' who deserves exclusion from the community. In other words, it is a homicide of a family member committed by close relatives such as brother, father, husband, or mother of the victim for bringing dishonor upon family or community. Examples of the acts that trigger homicide may include: wanting to marry of their choice, wishing to seek employment, wanting to live according to free will, dressing inappropriately' or in general refusing to give in to the normative standards of behavior set by the local tribe or community. Ref: Rep Opinion, Masland Press (2021), [<https://www.sciencepub>].*

4. *Honor killings have been pervasive in traditional societies where woman symbolizes the "honor" of the family. Generally, a woman is killed by male relative (usually her father, brother, or husband) for engaging in or being suspected of committing illicit sexual acts. Though family honor rests upon the behavior of family members, women provide a convenient scapegoat in the face of such subjective qualifications as 'public morality', 'decency' and 'religion'.... Honor killing aims to cultivate fear in women to ensure that they*

blindly and obediently observe the miles set by male members of their family do not raise their voice against marital violence and abstain from pursuing their Islamic and legal rights..... This practice of honor killing stems from the dual conception of women; women as repositories of honor and women as property. In cases of honor killing, if a woman is accused of having an illicit relationship or if she seeks to choose her own partner, which is considered against her tribe's custom and tradition, she loses her objective value. Ref: Journal of Positive School Psychology (2022), [https:journalppw.com].

5. Honor killings, or murders to avenge and restore 'shame', have long been a feature of deeply conservative, traditionalist and tribalistic community. The culture is highly problematic because it leads to fatalities without fear of consequence or retribution, creating a sense of lawlessness in society. More than that, it is a ritual that punishes women more than men, with deaths of the former twice that of the latter. The Human Rights Commission of Pakistan (HRCP), one of the civil society groups attempting to tackle this menace, highlighted the dangerous interplay between archaic traditions and modernday power struggles.... Pakistan's 'Manly' Tradition of Settling Scores of 'Shame' via Blood of Women, Friday times (2023), [https://thefridaytimes.com/18-Sep-2023].

10. It is a matter of common observation that incidents of honour killing are repeatedly reported in our society. In many such cases, no witness comes forward to depose against the accused, as the perpetrators and victims often belong to the same family or community, leading to suppression of evidence in order to shield the culprits. No doubt, none from the family or the relatives of the deceased came forward to report the incident, but in such types of cases wherein the honour of the family is involved and the accused are real brothers to the deceased, no one dares to report the incident. Such matters therefore, must be handled with great care and judicial caution, particularly in view of the discretionary nature of the relief sought. In this regard, reliance is placed upon the case of *Mukhtiar v. The State (2024 P Cr. L J 2001)*, wherein it was held that

7. The judiciary can play a crucial role in eliminating honour

killings by ensuring that existing laws against honour killings are rigorously enforced, with no leniency or impunity for perpetrators. Strict enforcement would contribute significantly to the eradication of honour killings and the promotion of justice and gender equality. However, this remains a complex and persistent problem that requires ongoing efforts to change societal attitudes and protect vulnerable individuals. The Government of Pakistan on its part, in the year 2016, enacted the Anti-Honor Killing (Criminal Laws Amendment) Act, which closed legal loopholes that allowed perpetrators to escape punishment by seeking forgiveness from the victim's family. Amendments to the Pakistan Penal Code were introduced to tighten the legal framework and increase penalties for honour killings in Pakistan.

8. I am aware that the evidence in the case is weak if one treats a case of honour killing on the same pedestal as other crimes. Perhaps, the applicant would have made out a case for a grant of bail in a crime of a different nature however, in my humble view, cases of honour killings are a category which requires to be adjudicated with a different yardstick. I have therefore shown less leniency in the present case while deciding this bail application as I am of the opinion that there is circumstantial evidence against the applicant, albeit weak, yet sufficient to deny him bail.

11. It is a settled principle of law that bail is an extraordinary relief which cannot be granted unless the person seeking such relief satisfies the conditions laid down under Section 497(2), Cr.P.C., and establishes that there are reasonable grounds to believe that he is not guilty of the offence alleged against him, and that the case calls for further inquiry into his guilt. In this regard, reliance is placed on the judgments of the Honourable Supreme Court in the case of *Abdul Aziz Memon v. The State* (2020 SCMR 313), *Gulshan Ali Solangi and others v. The State* (2020 SCMR 249), *Muhammad Sadiq and others v. The State and another* (2015 SCMR 1394). Furthermore, in the case of *Rana Abdul Khaliq v. The State and others* (2019 SCMR 1129), the Honourable Supreme Court elaborated that:

2. Grant of pre-arrest bail is an extra ordinary remedy in criminal jurisdiction; it is diversion of usual course of law, arrest in cognizable cases; a protection to the innocent being hounded on trump up charges through abuse of process of law, therefore a

petitioner seeking judicial protection is required to reasonably demonstrate that intended arrest is calculated to humiliate him with taints of mala fide; it is not a substitute for post arrest bail in every run of the mill criminal case as it seriously hampers the course of investigation. Ever since the advent of Hidayat Ullah Khan's case (PLD 1949 Lahore 21), the principles of judicial protection are being faithfully adhered to till date, therefore, grant of pre-arrest bail essentially requires considerations of mala fide, ulterior motive or abuse of process of law, situations wherein Court must not hesitate to rescue innocent citizens; these considerations are conspicuously missing in the present case. The case referred to by the learned Judge-in Chamber unambiguously re-affirms above judicial doctrine and thus reliance being most inapt is unfortunate to say the least.

12. In view of the foregoing discussion and upon careful consideration of the material available on record, I am of the considered view that the applicants/accused have failed to make out a case for the grant of post-arrest bail. Consequently, the instant bail application is hereby dismissed.

JUDGE