

HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-295 of 2026

(Ali Muhammad vs. The State)

Applicant : Ali Muhammad s/o Khair Muhammad
Through Mr. Aziz Ahmed Laghari, Advocate.

Respondent : The State
Through Mr. Ghulam Abbas Dalwani, D.P.G.

Complainant : Shakar Din s/o Ameeruddin
Through Mr. Mir Muhammad Nohri, Advocate (called absent).

Date of hearing : 13.10.2026

Date of Order : 13.10.2026

ORDER

NISAR AHMED BHANBHRO, J: Through the instant bail application, applicant Ali Muhammad s/o Khair Muhammad, seeks post arrest bail under Section 497 Cr.P.C in F.I.R bearing Crime No.27 of 2025, registered at Police Station Chachro for offences punishable under Sections 302, 324, 114, 447, 147, 148, 149, 504, 337-A(i), 337-F(i), 34 P.P.C. His earlier application for post arrest bail was dismissed by the learned Additional Sessions Judge-I/M.C.T.C, Tharparkar @ Mithi, vide order dated 06-04-2026 in Criminal Bail Application No. 95 of 2026, whereafter he invoked the jurisdiction of this Court.

2. The facts necessary for deciding instant bail application are that complainant Shakar Din s/o Ameeruddin lodged instant F.I.R., on 19-07-2025 at PS Chachro stating therein that in this year, his brother Anwar Nohri purchased agricultural land bearing Begoti No.57, situated at Village Bhoniyo, Deh Saranghiyar, from Chano son of Jalal Bheel. When it rained, they went to the said land to clear the bushes and wild vegetation in preparation for cultivation. He along with his brother Anwar and nephew Hayat was present there and were clearing the land. At about 10:30 a.m., two jeeps arrived at the land, from which Yamin son of Maroof, carrying a gun; Ali Muhammad son of Khair Muhammad, carrying hatchet; Muhammad Ramzan son of Khair Muhammad, carrying hatchet; Molvi Muhammad Hassan son of Khair Muhammad, carrying lathi; Shah Nawaz

son of Siddiq, Abdul Haq son of Muhammad, Sahib Khan son of Mubeen and Burhan son of Luqman came out; they all belong to the Dars community and reside in Village Bhoniyo, Taluka Chachro. Immediately upon getting out of the vehicles, Yamin started abusing them and said, *"Why have you purchased this land? We will not allow you to cultivate it."* Thereafter, he instigated the others, saying, *"Do not spare any of them; beat them and kill them."* Upon Yamin's instigation, Ali Muhammad caused hatchet blow on the head of Anwar, with intention to kill him; Muhammad Ramzan caused hatchet blow on the head of nephew Hayat; Molvi Muhammad Hassan, Shah Nawaz, Abdul Haq and Burhan caused lathies blows on the shoulders and arms of complainant. As a result of the injuries, his brother Anwar fell to the ground and became unconscious. Upon hearing their cries for help, two persons who were grazing livestock in the nearby fields, namely Arbab son of Usman, and Manzoor Ali Nohri son of Manthar, rushed to the spot and intervened. Thereafter, the above-mentioned accused persons continued hurling abuses at them, got into their vehicles, and went away. Arbab and others arranged transportation and took them to Chachro Hospital. Due to the severity of their injuries, they were referred to Hyderabad for further treatment. After receiving medical treatment, complainant came at police station and lodged such F.I.R.

3. Learned counsel for the applicant contended that there is delay in recording statement under section 154 Cr.P.C [F.I.R] for three days, which went unexplained. He further contended that role assigned to the appellant is that of causing hatchet injury on the head of deceased and on the similar circumstances the trial court so also this Court had admitted to bail the co-accused persons. He further submits that the dispute between parties is on landed property and the land, where alleged incident took place, is owned by the applicant party; infact complainant party was aggressor and act of the applicant party falls within definition of self defence. He, therefore prays for bail to the applicant on merit as well as on the rule of consistency.

4. Conversely, learned D.P.G while controverting the submissions contended that delay in recording F.I.R has been plausibly explained as the complainant party was critically injured and in that situation priority was given to the treatment of injured/ deceased Anwar. He further submits that entry in the roznamcha at the police station was recorded promptly wherein name of present applicant Ali Muhammad was transpired. He next contended that role of other accused in the

alleged incident, who were granted bail, is quite distinguishable as they were alleged to have caused simple injuries to the witnesses, therefore, no case of parity is made out. He further submits that weapon/hatchet used in the commission of alleged offence was also recovered on the pointation of the applicant and said hatchet was found stained with blood. He, therefore, prays for dismissal of instant bail application.

5. Heard arguments and perused the material available on record. From perusal of record it transpires that applicant is assigned specific role of causing hatchet injury upon deceased Anwar on his head and deceased had died due to the said injury and such version of prosecution finds support from the post mortem report of deceased Anwar, wherein medical officer opined that deceased Anwar expired due to head injury.

6. Though co-accused namely Shah Nawaz, Abdul Haque, Sahib Dino, Muhammad Hassan and Burhanuddin @ Burhan were granted bail by the learned trial court and by this court, but per F.I.R and statements under section 161 Cr.P.C said accused were alleged to have caused lathi blows at the shoulder and arms of complainant whereas the role assigned to the applicant in the alleged incident is quite distinguishable from the role of above named co-accused; hence rule of consistency does not apply to the case of applicant.

7. From the tentative assessment of material available on record as has been discussed above there appears sufficient grounds to believe that the applicant is connected with the commission of offence which carries punishment for death or imprisonment for life and the same falls within the ambit of prohibitory clause of section 497, Cr.P.C., disentitling the applicant from the concession of bail. The grounds so raised by learned counsel for the applicant require deeper appreciation of evidence, which is not warranted at bail stage.

8. For the foregoing reasons, and without expressing any final opinion on the merits of the case, the applicant has failed to make out a case for grant of post arrest bail. Consequently, instant bail application is **dismissed**.

9. 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

