

HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-288 of 2026

(Moula Bux and another vs. The State)

Applicants : 1. Moula Bux s/o Qadir Bux.
2. Muhammad Aazam s/o Hadi Bux
Through Syed Tarique Ahmed Shah, Advocate.

Respondent : The State
Through Mr. Shahzado Saleem, Additional P.G.

Date of hearing : 26.10.2026

Date of Order : 26.10.2026

ORDER

NISAR AHMED BHANBHRO, J: Through the instant bail application, applicants Moula Bux s/o Qadir Bux and Muhammad Aazam s/o Hadi Bux, seek pre-arrest bail under Section 498 Cr.P.C in F.I.R bearing Crime No.18 of 2026, registered at Police Station Sindhri for offences punishable under Sections 302, 311, 201, 34 P.P.C. Their earlier application for pre-arrest bail was dismissed by the learned Additional Sessions Judge-I/M.C.T.C, Mirpurkhas, vide order dated 25-05-2026 passed in Criminal Bail Application No. 554 of 2026, whereafter they invoked the jurisdiction of this Court.

2. The facts necessary for deciding instant bail application are that complainant A.S.I Asif lodged instant F.I.R., on 01-05-2026 at P.S Sindhri alleging therein that on the same date while he was present at the police station as Duty Officer, he received secret information that Nisar Ahmed Shar had murdered Mst. Nazia, daughter of Mola Bakhsh Shar and wife of Azam Shar (both applicants), aged about 20–21 years, by firing at her with a pistol on the allegation of *Karo-Kari* and had concealed and buried her dead body in order to destroy evidence of the crime. Accordingly, the information was entered in Roznamcha Entry No. 16 at 1800 hours. Immediately thereafter, he, along with PC Naeem and PC Zunwar Hussain, proceeded in official vehicle towards the pointed place and reached there, where informer pointed out the spot and disclosed that, on 22.04.2026, at about 2100 hours, near the mosque in Village Haji Karim Bakhsh Shar, Taluka Sindhri, District Mirpurkhas, Nisar Ahmed Shar had fired at Mst. Nazia with a pistol on the allegation of *Karo-Kari*, thereby

committed her murder and had subsequently buried her dead body. They made inquiries from the applicants, being father and husband of said deceased. They stated that Mst. Nazia had died as a result of a pistol shot fired by Nisar Ahmed and that her dead body had been buried. However, they avoided providing further details. After making inquiries, they returned to the police station, where complainant lodged instant F.I.R.

3. Learned counsel for the applicants contended that there is delay of about nine days in recording F.I.R without any explanation. He further contended that there is no eye witness of the alleged incident; per F.I.R applicants Moula Bux and Muhammad Aazam have been shown as informers regarding the alleged incident with Mst. Nazia, who was done to death by co-accused Nisar Ahmed by making pistol fires. He further contended that there is no eye witness of the alleged incident as such the F.I.R rests upon hearsay evidence, therefore, connection of the applicants with the alleged crime is matter of evidence, yet to be resolved by the trial court after recording evidence. The challan has been submitted and applicants are no more required for the purpose of investigation. He, therefore, prays for the confirmation of bail to the applicants/ accused.

4. Conversely, learned Additional P.G contended that based upon the information, complainant A.S.I went to village of the applicants/ accused where he was informed that Mst. Nazia was killed through fire shots at the hands of co-accused Nisar Ahmed. He further contended that such information was concealed by the present applicants/ accused. He submits that after registration of F.I.R, the exhumation of dead body of deceased Mst. Nazia was made and post mortem was conducted wherein cause of death was opined as severe craniocerebral damage to the skull caused by fire arm injury. He submits that post mortem report fully supports the F.I.R. The applicants/ accused being father and husband of deceased lady were responsible to conceal the incident; as such shared the common intention with the principal accused Nisar Ahmed. He further contended that sufficient incriminating material is available on record to connect the applicants with the commission of alleged crime, hence he prayed for the dismissal of instant bail application.

5. Heard arguments and perused the material available on record. There is no denial to the arguments advanced by learned counsel for the applicants that no direct evidence is available on record to connect the applicants/accused with the

commission of alleged crime. However, it is an admitted position that applicant Moula Bux is father of deceased Mst. Nazia while applicant Muhammad Aazam is husband of the said deceased lady. The murder of an innocent lady was done under the so-called pretext of *KARO KARI*; such an offence of honour killing of a woman cannot be dealt with an ordinary manner. The intention of the applicants to conceal the evidence not only connected them with the charge of offence under section 201 P.P.C, which is punishable, in present case, upto 07 years but also connected them with the commission of offence punishable under sections 302 and 311 P.P.C, which is punishable with death or imprisonment for life or imprisonment of either description for a term of which may extend to fourteen years as ta'zir. The gravity of the offence itself speaks that a lady was done to death and was buried just to label her as *KARI*. This might have been happened in the stone ages but case not let go escort free in the present ages, particularly when the woman being an independent identity and soul has right to lead her life. Killing of a man with allegation of illicit relations, cannot grant open licence to kill a man or woman under the pretext of so-called *Ghairat*/honour. Had the applicants have no intention to share killing of Mst. Nazia, they would have promptly approached the police and lodged the F.I.R. The murder of Mst. Nazia stains the entire criminal justice system and in order to remove such stains, the accused of this heinous offence are required to be dealt with iron hands so that in future no one can dare to commit such crime. The killing of a woman under the pretext of *Karo Kari* has become fashion now-a-days, which needs to be checked and stopped.

6. Perusal of case file reveals that complainant has stated in the F.I.R that applicants/ accused were avoiding to provide correct information regarding the alleged incident; these sole words of complainant are sufficient to connect the applicants with the commission of such heinous offence. Though there is no eye witness of the alleged incident, but it is no ground to the grant extra ordinary concession of pre arrest bail to the applicants in such a heinous offence, when the grave of an innocent lady speaks that she was done to death, and father and husband, did not come forward to procure, rather attempted to save the accused.

7. From the tentative assessment of material available on record, as has been discussed above, there appear to be sufficient grounds to believe that the applicants are connected with the commission of alleged crime. The offence alleged is punishable for death or imprisonment for life, hence falls under the

prohibitory clause of section 497(1) Cr.P.C. Moreso, the essential ingredients for the grant of pre-arrest bail i.e. *mala fide* intention and ulterior motive on the part of the complainant in implicating the accused with the alleged crime, are conspicuously absent in the present case.

8. For the foregoing reasons, and without expressing any final opinion on the merits of the case, no case for grant of pre-arrest bail is made out. Consequently, instant pre-arrest bail application is **dismissed**. Consequently, interim arrest bail granted to the applicants vide order 01-06-2026 is hereby recalled and surety discharged. The applicants, who are present in court, are taken into custody and remanded to Central Prison, Mirpurkhas; however, if the I.O required their custody for investigation purpose, he may approach the concerned Magistrate/ Court for the said purpose.

9. Needless to observe that the findings and observations recorded hereinabove 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

