

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR.

1. Crl. Bail Application No. S- 1016 of 2025

Applicant: Muzaffar Ali son of Gul Hassan bycaste Siyal
thorugh Mr. Dhan Raj, Advocate for
Applicant.

2. Crl. Bail Application No. S- 1125 of 2025

Applicant: Farhad Ali alias Farhan Ali son of Gulsher,
Siyal through Mr. Abdul Baqi Jan Kakar,
Advocate.

The State Through Mr.Shafi Muhammad Mahar, D.P.G
assisted by Mr. Nusrat Hussain Mmeen,
Advocate for complainant.

Date of hearing & Order: 12-10-2026.

ORDER.

Suresh Kumar, J --- Through this common order, I intend to dispose of two pre-arrest bail applications, separately filed on behalf of the abovenamed applicants/accused, arising out of Crime No. 56/2025, for offences under sections 302, 324, 452, 148, 149, 114, 504, 429, 337-A(i), and 337-F(i) PPC, registered at Police Station Mithian, District Naushahro Feroze.

2. Briefly facts of the prosecution case as depicted in the FIR are that applicant Muzaffar Siyal has assigned role of instigation, Sher Muhammad allegedly fired upon complainant's sister son Safdar, Kashif allegedly fired at Piyaral Mastoi, Ghulam Sarwar fired at Zahid, Abdul Rauf fired at Umed Ali while remaining accused made firing resultantly caused injuries to Zahid Hussain and Umed Ali, ultimately such FIR was lodged by complainant Muhammad Moriyal on 10.07.2025 at Police Station Mithiani, District Naushehro Feroze.

3. The applicants initially sought pre-arrest bail from the Court of the learned 1st Additional Sessions Judge(MCTC) Naushehro Feroze, which were dismissed vide order dated 19.08.2025. Aggrieved by this dismissal, the applicants have approached this Court.

4. I have heard the learned counsel appearing on behalf of the applicants/accused and the learned Deputy Prosecutor General (DPG), assisted by the learned counsel for the complainant, who have opposed for confirmation of interim pre-arrest bail.

5. Having given due consideration to the arguments advanced by the counsel for the respective parties, I have perused the relevant material. From the perusal of the FIR, it reveals that the applicant/accused, Muzaffar Ali, has allegedly been assigned the role of instigation, and no injury is attributed to him. The vicarious liability of the applicant/accused, Muzaffar Ali, cannot be adjudged at this stage and will be determined at the time of trial; therefore, the case against him requires further inquiry. In similar circumstances, this Court, in the case of Atta Muhammad vs. State, has held as follows:-

“I have heard learned counsel for the parties and perused the material available on record meticulously. No doubt applicant is nominated in the FIR but no specific role is attributed against him, however, role attributed against him is of instigation. The culpability of accused could not be adjudicated at present stage rather it would be decided by the trial Court after recording of evidence during course of trial and at this stage deeper appreciation cannot be permissible whether he shared common intention or facilitated the principal accused in the commission of murder of deceased Bilawal alias Biloo. Indeed, bail cannot be refused merely offence being heinous one but all other facts and circumstances also to be looked into favoring the case

for bail and further enquiry. It is also well settled that while dealing with the question of grant of bail could be touched while deciding the tentative assessment. On merits the applicant Atta Muhammad Waggan has got a good case for further enquiry. In my view, he applicant clearly able to make out a reasonable case for bail. Thus I am satisfied for the reasons herein above stated, there is reasonable doubt at this stage as to whether the applicant was connected with the alleged offense or not. The applicant is regularly attending this Court as well as learned trial Court and there is no allegation of misusing the concession of bail against him, therefore, no useful purpose would be met in diverting back the applicant to the learned trial Court for seeking post arrest bail".

6. Similarly, the Honourable Supreme Court granted bail to an accused who was assigned the role of lalkara. In this regard, reliance is placed on the case of *Qurban Ali vs. State and others* (2017 SCMR 279).

7. The applicant/accused, Farhad Ali, has allegedly been assigned the role of a general allegation of firing upon the complainant party, and no specific injury is attributed to him. The learned counsel for the applicant/accused, Farhad Ali, has mainly contended that co-accused Amar Jaleel and Fida Hussain, who were assigned the same role of general allegations, have already been granted bail after arrest. In such circumstances, no useful purpose would be served by refusing the bail of the present applicant/accused on technical grounds if he has made out his case for bail after arrest in view of the rule of consistency. In this regard, reliance is placed on the case of *Muhammad Ramzan vs. Zafarullah* (1986 SCMR 1380).

8. After grant of interim pre-arrest bail, applicants/accused have been appearing before this Court as well as before trial Court regularly and they have no misused the concession of interim bail.

9. For the foregoing reasons above and guidance taken from above case laws, I am of considered view that the applicants/accused have successfully made out a case for the grant of pre-arrest bail, therefore, the interim pre arrest bail already granted to the applicants/accused named above is hereby confirmed on same terms and conditions with direction to appear before trial Court.

10. Needless to mention that the above observations are tentative in nature and will not prejudice the case of parties at the time of trial.

11. The bail applications are disposed of in the above terms.

JUDGE

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