

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

*Criminal Bail Application. No. S-27 of 2026  
(Weeram Khan Mahar and another vs. The State).*

Applicants : Weeram Khan Mahar and another,  
through, Mr. Khan Muhammad  
Sangi, Advocate.

The State : through Syed Sardar Ali Shah Rizvi,  
Additional Prosecutor General.

Complainant : Rashid Ali, through Mr. Ajeebullah  
Junejo, Advocate.

Date of Hearing : 06.04.2026  
Date of Order : 06.04.2026.

**ORDER**

**Ali Haider 'Ada' J:-** Through this application, the applicants seek pre-arrest bail in Crime No. 62/2025 registered at Police Station Baiji Shareef, District Sukkur, for the offence punishable under Sections 302 and 34 PPC. Prior to filing the present application, the applicants approached the learned District & Sessions Judge, Sukkur, who assigned the matter to the learned Additional Sessions Judge, Pano Aqil. The said application was dismissed vide order dated 19.12.2025 on the ground that the FIR copy was not legible and no certified copy was submitted.

2. The record reflects that the alleged incident took place on 07.05.2025, whereas the FIR was lodged on 15.05.2025. The prosecution case, as set out in the FIR, is that the complainant Rashid alleged that on 07.05.2025, accused Maqsood Ahmed, along with three unknown persons, attacked the complainant party. It is specifically alleged that co-accused Maqsood Ahmed caused a firearm injury to the deceased Nazeer Ahmed (brother of the complainant), which proved fatal. During the course of investigation, the complainant moved an application dated 26.08.2025 before the learned Judicial Magistrate, asserting

involvement of the present applicants. Subsequently, on 02.10.2025, supplementary statements of the complainant and one Sarfraz were recorded under Section 162 Cr.P.C., wherein the present applicants were nominated.

3. However, after completing the investigation, the police found the present applicants innocent and placed their names in Column No. 2 of the challan. The learned Magistrate disagreed with such conclusion and passed an impugned order, which is under challenge through Criminal Miscellaneous Application No. 700/2025.

4. Learned counsel for the applicants contends that the applicants were not named in the FIR and their nomination occurred belatedly through supplementary statements recorded after a delay of approximately four months and twenty days, without any disclosed source of information. He further argues that the police, after due investigation, declared the applicants innocent and placed their names in Column No. 2. It is also contended that a FIR No. 41/2025 was lodged by applicant No. 1 against the complainant party regarding an injury caused to him. He further submits that the trial Court dismissed the bail application on a technical ground without appreciating that the FIR copy available on record was legible. Reliance was placed on the case reported as 2004 SCMR 1167.

5. Conversely, learned counsel for the complainant submits that the bail application before the trial Court was not decided on merits. He further argues that the nature of injuries is serious, and that the applicants' conduct is questionable, particularly in lodging a FIR just for harassment to the complainant party. He contends that the offence falls within the prohibitory clause of Section 497 Cr.P.C., therefore the applicants are not entitled to the concession of bail.

6. Learned Additional Prosecutor General submits that as per the bare reading of the FIR as well as statements recorded under

Section 162 Cr.P.C., no specific role of causing fatal injury has been attributed to the present applicants, and no source of information has been disclosed in the supplementary statements. He, however, conceded that tentatively the applicants have a case for confirmation of bail and relied upon the case reported as 2026 YLR 288.

7. Heard learned counsel for the parties and perused the available record.

8. First of all, if the order dated 19.12.2025 passed by the learned Court below is perused; it transpires that the interim pre-arrest bail granted to the applicants was recalled on the ground that the copy of the FIR was not legible. However, the record reflects that the copy of the FIR available on file was issued on 20.11.2025 and was a certified true copy, which is even otherwise readable by this Court. Therefore, the observation of the learned trial Court that the FIR was not legible appears to be not borne out from the record and does not strictly align with the material available on file. The Courts are not to adopt a hyper-technical approach while deciding matters relating to liberty, particularly in bail cases. The decline of bail on such a flimsy and technical ground amounts to imposing a penalty without adjudication on merits, which is not sustainable under the law. Even otherwise, if the learned trial Court had any reluctance regarding the legibility of the FIR, it could have granted time to the applicants or issued directions for submission of a clearer or fresh certified copy to its satisfaction. However, such a course was not adopted. In such circumstances, recalling the interim bail on purely technical grounds cannot be justified. It is well settled that the liberty of a person cannot be curtailed merely on the basis of technicalities or technical lapses, particularly when no fault is attributable to the accused. Once interim pre-arrest bail has been granted, the same should ordinarily be decided on merits rather than being recalled on superficial grounds. In this regard, reliance is placed upon the cases

of *Muhammad Jawed and 8 others vs. The State* (2012 PCrLJ 617) and *Nadeem Hamid vs. The State* (PLD 1997 Karachi 494 DB).

9. Now, while deciding the instant bail application, it is necessary for a just and proper conclusion to tentatively touch upon the merits of the case. In this regard, reliance is placed upon the cases of *Abdul Rehman @ Muhammad Zeeshan vs. The State and others* (2023 SCMR 884) and *Khair Muhammad and another vs. The State* (2021 SCMR 130).

10. It is reflected from the record that the FIR was lodged on 15.05.2025, whereas the date of the alleged incident is shown as 07.05.2025, thus there is a delay of about one week in lodging the FIR without any plausible explanation. Such delay, at least at this stage, creates doubt in the prosecution case and raises a question regarding false implication. In this context, reliance is placed upon the case of *Mazhar Ali vs. The State* (2025 SCMR 318).

11. Furthermore, the complainant approached the judicial forum by filing an application before the learned Magistrate, available at page No. 33 of the record, wherein the names of the present applicants were disclosed for the first time on 26.08.2025. However, the statements under Section 162 Cr.P.C. were recorded after a further delay of more than one month, for which no plausible explanation has been furnished, even in the said statements. Such conduct also casts doubt upon the veracity of the prosecution version. In this regard, reliance is placed upon the case of *Ejaz Ahmad Chaudhary versus The State through Prosecutor General Punjab and another* (2025 SCMR 1596). The very object of recording a supplementary statement under Section 162 Cr.P.C. is to bring on record additional facts of the case. A bare perusal of the supplementary statements in the present case reveals that no source has been mentioned as to under what circumstances the names of the present applicants surfaced. In this context, reliance is placed

upon the case of *Mubeen and 6 others vs. The State* (2025 YLR 1439), wherein it has been held that:

8. *It is worth noting that PW Umar was not present at the time of the incident and he too failed to provide crucial information regarding the sharing of the video clips with the accused Ghulam son of Ameen Lanjo. He also failed to disclose the source of evidence to ascertain how he obtained knowledge about the sharing of the video clips/photos on WhatsApp. Thus, considering the absence of essential evidence collected by the investigating officer and the discrepancies in PW Umar's testimony, it appears to be a case warranting further inquiry.*

12. However, even from a bare perusal of the record, no specific allegation has been attributed to the present applicants with regard to the commission of murder. The role assigned to them lacks the necessary particulars connecting them directly with the fatal injury. In this context, the Hon'ble Supreme Court of Pakistan in the case of *Sher Khan vs. The State* (2025 SCMR 2059) was pleased to grant bail where no specific injury had been assigned to the accused on the body of the deceased. Moreover, it is yet to be determined during trial as to whether the present applicants shared any common intention with the nominated co-accused in the commission of the alleged offence, and whether they can be held vicariously liable for the occurrence. Such determination requires trial. In this regard, reliance is placed upon the dictum laid down by the Hon'ble Supreme Court of Pakistan in the case of *Binyameen vs. The State* (2026 SCMR 99).

13. Further, it is a well-settled principle of law, as reported in 1986 SCMR 1986, titled **MUHAMMAD RAMZAN versus ZAFAR ULLAH**, that no useful purpose would be served by taking the applicants into custody when they otherwise have a good case for the grant of pre-arrest bail, particularly where their arrest would merely result in unnecessary hardship without advancing the cause of justice.

14. Keeping in view the above-mentioned facts and circumstances, the instant bail application is hereby confirmed on the same terms and conditions as were earlier granted.

*JUDGE*