

**ORDER SHEET**

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

1<sup>ST</sup> Cr. Bail Appln. No.S- 342 of 2025.

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DATE OF HEARING ORDER WITH SIGNATURE OF HON'BLE JUDGE

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For hearing of bail application.

**14.7.2025.**

Mr. Abdul Rehman Bhutto, advocate for the applicant.

Mr. Nazeer Ahmed Bangwar, D.P.G for the State.

**ORDER**

**KHALID HUSSAIN SHAHANI-J.**:- Through the present Criminal Bail Application, applicants Gul Khan and Nabi Dost seek post-arrest bail in a case bearing crime No.128 of 2025, registered at Police Station A-Section, Kandhkot, for offences punishable under Sections 324, 353, 399, and 402 PPC. Their prior request for bail was declined by the learned trial Court vide order dated 17.06.2025.

2. According to the prosecution's case, on 02.06.2025 at about 2300 hours, a police party headed by SIP Ali Murad Sabzoi, acting upon spy information, proceeded to Haibat Laro where they allegedly encountered eight accused persons, including the present applicants, armed with deadly weapons. It is alleged that the accused persons opened straight fire upon the police party, which was returned in self-defense. The encounter reportedly lasted for about five minutes. During the crossfire, one of the accused, Nawaz @ Raja Bhangwar sustained firearm injury and was apprehended at the scene with a T.T. pistol, while the remaining accused managed to escape. The FIR was subsequently lodged on behalf of the State.

3. Learned counsel for the applicants contends that the applicants are innocent and have been falsely implicated in the matter. It is argued that all the prosecution witnesses and mashirs are police officials and, despite the alleged prior spy information, no private individual was associated as an independent mashir at the time of the alleged incident, in clear violation of Section 103 Cr.P.C. Furthermore, it is submitted that although the alleged encounter reportedly continued for five minutes, no injury was sustained by any police official, nor was any police vehicle damaged. The role attributed to the applicants is vague and limited to ineffective firing. The injury sustained by the co-accused has not been attributed to the present applicants and is bail-able in nature.

4. Conversely, the learned Deputy Prosecutor General has opposed the bail plea, asserting that the applicants are nominated in the FIR and were implicated during the course of investigation.

5. I have heard the learned counsel for the respective parties and perused the available material on record.

6. Prima facie, the role ascribed to the applicants is that of ineffective firing without attribution of any specific overt act or injury. The fact that all prosecution witnesses are police personnel, coupled with the non-association of any independent witness despite prior information, undermines the credibility of the prosecution's narrative and reflects non-compliance with the mandatory requirement under Section 103 Cr.P.C. Furthermore, the firearm injury sustained by co-accused Nawaz @ Raja Bhangwar has not been attributed to the applicants and is, in any event, bail-able. A deeper scrutiny of the FIR reveals that the claim of the applicants having assembled with the intent to commit dacoity, thereby attracting Sections 399 and 402 PPC, is based purely on conjecture. The

police appear to have assumed such intent without disclosing any attending or corroborative circumstances, such as overt acts, preparatory conduct, or specific targets, suggesting the actual commission of dacoity. It is beyond comprehension how the police could have ascertained or “injected” into the minds of the accused the alleged criminal intention merely upon their presence at the location, absent any incriminating material or independent verification. In the absence of any concrete evidence substantiating such intent, the applicability of Sections 399 and 402 PPC becomes highly doubtful and cannot be determined at this preliminary stage. These allegations are general and require thorough examination during trial proceedings.

7. Cumulatively, these factors bring the case within the scope of “further inquiry” as contemplated under Section 497(2) Cr.P.C. Accordingly, the applicants Gul Khan and Nabi Dost are admitted to post-arrest bail, subject to their furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each and a personal recognizance bonds in the like amount, to the satisfaction of the learned trial Court.

8. Needless to mention, the observations made hereinabove are purely tentative in nature and shall not prejudice the merits of the case at the time of final adjudication.

These are the reasons for short order dated 04-07-2025.

**JUDGE**