

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
MIRPURKHAS.

**Criminal Bail Application No.S-196 of 2025**

Applicant: Gul Muhammad @ Gulo and  
Muhammad Munawar through  
Mr. Sarfaraz Ali Talpur, Advocate.

Respondent: The State through Mr. Neel Parkash,  
Deputy Prosecutor General, Sindh.

Complainant: Anwar(Present in person)  
Through Mr. Chaudhry Shahzad Ali  
Raza.

Date of hearing: **20.08.2025**

Date of Order: **20.08.2025**

**O R D E R.**

**AMJAD ALI SAHITO, J:-** Through this bail application, the applicants/accused above named seek their post-arrest bail in Crime No.64 of 2025, under sections 324, 337-A(i), 337-F(i), 337-H(ii), 504 & 34 PPC, registered at P.S Digri, after their bail plea was declined by the learned Additional Sessions Judge-I, Mirpurkhas.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Learned counsel for the applicant/accused has contended that the applicant is innocent and has been falsely implicated in the instant case with mala fide intent. It is submitted that the FIR was lodged after an unexplained and inordinate delay of two days, which casts serious doubt on the veracity of the allegations. There is matrimonial dispute between the parties. It is further argued that no specific role has been assigned to the applicants/accused. Although allegations have

been made that they were armed with a hatchet and a lathi, no overt act has been specifically attributed to them. Based on a tentative assessment, it appears to be a prima facie case where the applicants/accused had no intention to commit the present crime. Therefore, at this stage, the principle of vicarious liability cannot be applied to the applicants/accused. Learned counsel for the applicants/accused has argued that the applicants/accused are in Jail and no more required for further investigation. In support of his contention he has placed his reliance on case law reported in

4. On the other hand, learned D.P.G and learned counsel for the complainant have vehemently opposed the grant of bail to the applicants/accused and they have further argued that the names of the applicants/accused transpired in the FIR and they appeared at the place of incident with their common object and they are not entitled for the concession of bail. Lastly they have prayed for its dismissal.

5. Heard and perused.

6. From the perusal of the record, it transpires that the names of the applicants/accused have indeed been mentioned in the FIR; however, no specific or overt act has been attributed to them, and their implication rests merely upon their alleged presence at the place of occurrence. It is further evident from the contents of the FIR that the complainant himself has admitted the existence of a prior dispute relating to the marriage of Mst. Razia, on the basis of which the instant FIR came to be lodged. At this stage, it remains to be determined, upon recording of evidence, whether the applicants/accused shared a common intention or common object with the co-accused in commission of the alleged offence. The learned counsel for the applicants has also argued that the present FIR has been lodged with mala fide intent, arising out of family disputes, and

that the complainant has misused the process of law in this regard.

7. In view of the above the learned counsel for the applicants has made out a case for the grant of bail under Subsection (2) of Section 497, Cr.P.C. Post-arrest bail is granted to the applicants/accused, subject to their furnishing solvent surety in the sum of Rs.30,000/- (Rupees Thirty Thousand Only) each, to the satisfaction of the learned trial Court.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicants on merits.

JUDGE

*\*Adnan Ashraf Nizamani\**