

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

Crl. Bail Application No.S-152 of 2025

Applicant: Zohar Muhammad @ Zahoor son of Shabbir Khan @ Sher Khan,
Through Mr. Abdul Majeed Qureshi and Mr. Jamshed Locas Khokhar, Advocates.

Respondent: The State.
Through Mr. Neel Parkash, Deputy P.G.

Complainant: Dilawar son of Arab,
Through Mr. Ali Sher Baloch, Advocate.

Date of hearing: 28.08.2025.

Date of order: 28.08.2025.

O R D E R

Amjad Ali Sahito, J: Through this Bail Application, the applicant/accused seeks post-arrest bail in FIR No.05/2025 for offence under Sections 452, 302, 506(ii), 114, 504 and 34 P.P.C registered at PS Dangan Bhurgari, after rejection of his bail plea by the learned trial court vide order dated 17.05.2025.

2. The details and particulars of the F.I.R are already available in bail application and the F.I.R, as such, need not to reproduce the same hereunder.

3. Per learned counsel, the applicant/accused is innocent and the complainant has falsely implicated the applicant/accused in this case. The F.I.R is delayed for about 20 hours, and no plausible explanation has been furnished by the complainant. The name of the applicant/accused is not appearing in the F.I.R and police arrested the applicant/accused in this false case; there is no direct evidence against the applicant/accused to connect him in the commission of offence. Lastly, he prayed for grant of bail. In support of his contentions, he relied upon the case laws viz: **2017 SCMR 279 [Supreme Court of Pakistan], 2022 P.Cr.L.J Note 33 [Sindh (Hyderabad Bench)] and 2018 YLR Note 226 33 [Sindh (Larkana Bench)]**.

4. On the other hand, learned counsel for the complainant has vehemently opposed for grant of bail and submits that after arrest of the applicant/accused, he identified the accused persons and he was one of the accused who was present at the place of incident. Learned D.P.G has also opposed for grant of bail to the applicant/accused; however, he admits that the name of the applicant/accused is not appearing in the FIR. Counsel for the complainant submits that the applicant/accused is also from same village and relative of the main accused persons. Lastly, he prayed for dismissal of the bail application.

5. Heard and perused.

6. From perusal of record, it reflects that the name of the applicant/accused does not appearing in the F.I.R and no specific role has been assigned to the applicant/accused, however, in F.I.R only one unknown person is shown with gun. He has not caused any injury to the deceased but mere presence of the applicant/accused is shown at the place of incident and it is yet to be determined by the learned trial court at the stage of recording evidence, particularly as to whether the applicant/accused shared a common intention with the co-accused in the commission of the alleged offence or not.

7. Furthermore, the applicant/accused is presently confined in judicial custody and is no longer required for the purpose of further investigation. It is also admitted by the complainant in the FIR that there exists longstanding enmity between the parties. The applicant is a close relative of the co-accused, and both parties were well acquainted with each other; however, the complainant did not initially implicate the present applicant, and his name was subsequently introduced at the stage of identification. In these circumstances, the learned counsel for the applicant/accused has succeeded in making out a case for the grant of bail under subsection (2) of Section 497, Cr.P.C. Resultantly, the instant bail application is allowed and the applicant/accused is enlarged on bail subject to his furnishing solvent surety in the sum of Rs.100,000/ (Rupees One Lac only) and P.R bond in the like amount to the satisfaction of the 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 applicant/accused on merits.

JUDGE

****Faisal****