

# IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S-793 of 2024

Applicant : Ali Dino s/o Allah Wadhayo Shar  
Through Mr.Irshad Hussain Dharejo, Advocate

Complainant : Haqnawaz, through Mr. Shoukat Ali Phull  
Advocate

The State : Through Mr. Muhammad Raza Katohar, DPG

Dated of Hearing : 25.08.2025  
Dated of order : 03.09.2025

## **ORDER**

**KHALID HUSSAIN SHAHANI, J-** Applicant Ali Dino s/o Allah Wadhayo by caste Shar, seeks pre-arrest bail in a case bearing crime No.41/2024, for offences u/s 302 and 34 PPC registered at Police Station Bozdar Wada, District Khairpur.

2. The brief facts of the case, as narrated by the complainant Haqnawaz, are that he had married his daughter Mst. Azeema to the applicant Allah Dino, and from this wedlock two children, a son and a daughter, were born. Due to matrimonial disputes, her husband and brother-in-law Ali Dino used to maltreat her, and she had several times complained to the complainant in this regard, which further annoyed them. On 01.10.2024, at about 5:00 a.m., the complainant along with his brother Kareem Nawaz and nephew Imtiaz Hussain visited his daughter's house. Upon reaching the door, they heard the cries of the children. When they entered the house, they allegedly saw Allah Dino and Ali Dino committing the murder of Mst. Azeema by putting a scarf around her neck and hanging her with a neem tree. On seeing the complainant party, the accused fled away. The complainant informed the police, who reached the spot, completed legal formalities, and shifted the dead body to Taluka Hospital Mirwah for post-mortem. After the post-mortem, the body was handed over to the complainant. Thereafter, following the funeral, the complainant lodged the present FIR.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated due to matrimonial disputes, which the complainant himself admitted in the FIR. He argued that the deceased actually committed suicide, but the complainant converted it into a false case

of murder by fabricating a story. He further submitted that there are material inconsistencies between the medical evidence and the ocular account, as the cause of death is not mentioned in the post-mortem report, and all the PWs are close relatives of the complainant, hence interested witnesses. Lastly, he prayed for confirmation of bail and relied upon the case law reported as *PLJ 1996 Cr.C (Lahore) 494, 2018 YLR Note 225 and 2025 MLD 1267*.

4. Learned DPG and the learned counsel for the complainant vehemently opposed the confirmation of bail contending that sufficient material is available on the record with the prosecution to connect the applicant with the alleged offence, as such the instant bail application is liable to be dismissed.

5. I have heard the learned counsel for the respective parties and perused the record available before me.

6. From the tentative assessment of record, it appears that the plea of false implication due to matrimonial dispute cannot be brushed aside at this stage. The admitted background of enmity between the parties makes the prosecution case doubtful and the possibility of mala fide is apparent on the face of record. Further, the inconsistency between the medical evidence and ocular account creates reasonable doubt in the prosecution version. Furthermore, the cause of death not having been mentioned in the post-mortem report is a material defect, which supports the defence plea of suicide. All prosecution witnesses being related and interested renders their evidence open to scrutiny at trial, and as such, at the bail stage, their uncorroborated statements cannot be treated as sufficient for refusal of bail. It is also not lost sight of that the challan has already been submitted before the trial Court, therefore the entire prosecution evidence is available on record and there is no likelihood of the applicant tampering with the same or absconding. In the given circumstances, the case against the applicant squarely falls within the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C. It is a well-settled proposition that grant of bail is a rule and refusal an exception, particularly where the prosecution case is doubtful and does not inspire confidence at this stage. The case law relied upon by the learned counsel for the applicant does not advance his case, as

the same is based on distinguishable facts and circumstances, and thus is not applicable to the present matter.

7. Accordingly, the applicant has been able to make out a case for confirmation of interim pre-arrest bail. Consequently, the interim bail earlier granted to the applicant on 29.10.2024 is hereby confirmed on the same terms and conditions. However, it is clarified that the observations made herein are tentative in nature and shall not prejudice the merits of the case, which shall be determined by the trial Court after recording of evidence.

**J U D G E**