

IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA

1st Criminal Bail Application No. S-271 of 2025

Applicants : Sultan and Shahnawaz, both sons of
Faqeer Muhammad Kori,
through Mr. Abro Abdul Qadir, Advocate.

Complainant : Noor Muhammad,
through Mr. Naseer Ahmed Wagan.

The State : Mr. Nazir Ahmed Bhangwar,
D.P.G for State.

Date of hearing : 09.10.2025
Date of Order : 09.10.2025.

ORDER

Shamsuddin Abbasi, J.- Applicants Sultan and Shahnawaz seek post arrest bail in Crime No.72/2020, registered at Police Station Waggan for the offence punishable under Section 302,114,18,149 PPC, after dismissal of their bail plea by learned I-Additional Sessions Judge (MCTC), Kamber vide order dated 11.01.2025.

2. It is alleged in the FIR that applicants along with co-accused came at the scene of offence and caused firearm injuries to deceased Imtiaz Ali on his chest.

3. Learned counsel for applicants submits that the applicants are innocent and they have falsely been implicated in this case and six persons of same family members were implicated by complainant in the alleged incident, that there is delay of one day in lodging of FIR without plausible explanation, that there is delay of one day in recording statements of PWs under section 161 Cr.P.C; that applicants were not willful absconders; that there is inconsistency between medical evidence and ocular version as postmortem report reveals that most of the injuries were fired from close range and blackening and charring was available on the said injuries, that crime weapons were foisted upon applicants in order to strengthen main case therefore, applicants are entitled for grant of bail. He has placed his reliance on the case laws reported as

Muhammad Sarfraz Ansari versus The State and others (2021 Supreme Court 738), Fahad Hussain and another versus The State (2023 SCMR 364), Muhammad Nasir versus The State and others (2025 MLD 1085).

4. On the other hand Learned D.P.G for the state assisted by learned counsel for complainant opposed for grant of bail on the ground that delay has been well explained by complainant; the applicants are nominated in the FIR with their specific role of causing firearm injuries to deceased; ocular version is corroborated by medical evidence; alleged offence carries capital punishment and crime weapons have been recovered from applicants.

5. Heard learned counsel for applicants, complainant and learned D.P.G for the State as well as perused the material available on the record. From tentative assessment of material available on the record, it appears that the applicants are nominated in the FIR with their specific role of causing firearm injuries to deceased on his chest, which is supported by medical evidence. During investigation prosecution witnesses supported case of prosecution through their statements under section 161 Cr.P.C. Applicants remained fugitive from law for four years and were declared proclaimed offenders. It is settled position that unexplained abscondance of accused looses some of the normal rights. Crime weapons were recovered from possession of applicants and positive report thereof connects the applicants with commission of the offence, which carried capital punishment and comes within the ambit of prohibitory clause of Section 497 Cr.P.C. Moreover this court dismissed post-arrest bail application of co-accused Shoaib @ Abdul Hakim vide order dated 22.04.2024 and case of applicants is on identical footings. Reliance is placed on record on the case of Allah Dewayo Shahani versus the State (2023 SCMR 1724).

6. As for point raised by learned counsel for applicants that there is one day in lodging of F.I.R and there is blackening and charring over injuries sustained by deceased is concerned, in my

humble views mere delay in lodging of F.I.R does not make out a case of further enquiry and as for point of blackening and charring over the dead body of deceased is concerned which amount a deeper appreciation and only tentative assessment is to be made at bail stage. Charge has been framed; two eyewitnesses have been examined by learned trial court while trial is in progress. Sufficient material is available on record which connects the applicants in the alleged offence which carries capital punishment, therefore, bail application is dismissed.

J U D G E

Irshad Ali M/Steno