

**ORDER SHEET**  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

**Criminal Bail Application No. D-49 of 2025**

along with  
Criminal Bail Application No. D-63 of 2025  
Criminal Bail Application No. D-56 of 2025

Applicant : Qurban Ali son of Shamasuddin  
Khakhrani, through M/s. Shahbaz Ali  
M. Brohi & Safdar Ali G. Bhutto,  
Advocates.  
in Criminal Bail Application No.D-49 of  
2025

Applicant : Rashid Ali son of Muhammad Aslam,  
through Mr. Muhammad Ali Memon,  
Advocate.  
in Criminal Bail Application No.D-63 of  
2025

Applicants : Basham @ Bashan @ Irshad son of  
Manzoor & Ali Ahmed son of Abdul  
Ghaffar @ Bagh, through Mr. Shahbaz  
Ali M. Brohi, Advocate.  
in Criminal Bail Application No.D-56 of  
2025

Complainant : Gulzar Ahmed @ Ubedullah, through  
Mr. Naushad Ali Tagar, Advocate

Respondent The State  
Through Mr. Aitbar Ali Bullo, Deputy  
Prosecutor General, Sindh.

Date of Hearing : 14.10.2025

Date of Order : 14.10.2025

**ORDER**

**AMJAD ALI SAHITO, J—** Through this single order, we intend to dispose of the aforementioned three bail applications filed by the applicants/accused, as all pertain to the same criminal case, i.e., FIR No. 82 of 2024, registered under Sections 365-A, 302, 386, 387, 506/2, 109, 337-H(ii),

and 120-B, Pakistan Penal Code, read with Sections 6 and 7 of the Anti-Terrorism Act, 1997, at Police Station Rustam, District Shikarpur. The said applications have been preferred after dismissal of their earlier bail pleas by the learned Judge, Anti-Terrorism Court, Shikarpur, through a consolidated order dated 22.08.2025.

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

3. Per learned counsel for the applicants that the names of the applicants do not transpire in the FIR; however, they were subsequently implicated through the further/supplementary statements of the complainant and witnesses recorded after considerable delay; that the allegation against Qurban Ali is that he facilitated the co-accused in the commission of alleged offence, whereas, applicant/accused Rashid Ali runs a mobile phone shop adjacent to the medical store of deceased, therefore, he has been implicated under suspicion; that applicants Basham @ Bashan @ Irshad and Ali Ahmed were seen by the complainant in police lockup of PS Lakhi Gate on 20.11.2024, who were confined there in some other case. Lastly, the learned Counsel prayed for grant of bail to the applicants.

4. Conversely, learned counsel for the complainant opposes the bail applications and submits that the applicants/accused though are not nominated in the FIR; however, the complainant and PWs have fully implicated them in their supplementary statements, as they have facilitated the main accused in commission of the alleged offence, therefore, they are not entitled for the concession of bail. Learned Deputy P.G, Sindh supports the arguments of learned counsel for the complainant and submits that the

offence is heinous one, carrying capital punishment and falls under the prohibitory clause of Section 497, Cr.P.C., therefore, the applicants/accused are not entitled for concession of bail.

5. Heard learned counsel for the parties and perused the record.

6. From perusal of the record, it transpires that in the first episode of the incident, dated 13.09.2024, four accused persons, duly armed with deadly weapons, appeared at the place of occurrence and demanded an amount of Rs. 20,00,000/- as *bhatta* from the complainant party. Due to fear for their lives, the complainant party paid Rs. 10,00,000/- to the said accused persons, who thereafter directed them to arrange an additional sum of Rs. 10,00,000/-, stating that they would return to collect it. Subsequently, on 23.09.2024, at about 2:00 p.m., fourteen accused persons, armed with deadly weapons including KKs, rifles, and G-3 rifles, accompanied by six unknown individuals, again arrived at the scene of the incident and resorted to indiscriminate firing to create terror. They demanded *bhatta* from the complainant party, and upon their refusal, kidnapped the complainant's son, namely Saddam Hussain, declaring that he would be released only upon payment of Rs. 10,00,000/-. Thereafter, when the complainant party attempted to pursue the accused, the latter committed the murder of Saddam Hussain.

7. As regards the plea advanced by the learned counsel for the applicant, Qurban Ali Khakhrani, that the only allegation against him is of having facilitated the principal accused persons, the record reveals otherwise. The applicant/accused Qurban, who was serving as a Head Constable in the Police Department, was found, during the course of investigation, through Call Data Record (CDR) and other digital evidence, to

be involved in the commission of the offence. Two senior police officers, SSP, Ghotki, and the DSP, Counter Terrorism Department, Sukkur, in their respective findings, have confirmed that the allegations leveled against him are substantiated. The CDR analysis shows that the applicant remained in constant contact with the principal accused of the murder case. It has further come on record that at the time of the murder of Saddam Hussain Mahar, the applicant was absent from the police station, having gone to Shikarpur, and returned only after half an hour upon being telephonically informed by HC Nisar Ahmed. Such conduct indicates that he deliberately facilitated the escape of the culprits after the commission of the brutal murder of the complainant's son. On the basis of this material, the applicant/accused Qurban was implicated in the case, and has since been dismissed from service, the dismissal order of which has been placed on record by the learned counsel for the complainant.

8. With regard to the plea advanced by the learned counsel for the respective applicants that the names of the accused persons do not find place in the FIR, it is sufficient to observe that, in cases involving abduction or robbery, it is ordinarily not possible for the complainant to immediately identify or disclose the names of the culprits at the time of lodging the report. Hence, the contention raised by the learned counsel holds no legal weight. Furthermore, the record reflects that all the accused persons, acting in concert, abducted the complainant's son and subsequently committed his murder. Thus, ample material exists on record to prima facie connect them with the commission of the alleged offences. No element of enmity or animosity has been demonstrated by the learned counsel for the applicants to suggest false implication.

9. The plea raised regarding an alleged tribal dispute between the Jatoi and Mahar tribes also stands refuted, as the learned counsel representing the complainant has clarified that the accused persons belong to different castes/tribes.

10. The offences with which the applicants/accused stand charged fall within the prohibitory clause of Section 497, Cr.P.C., being punishable with death, and sufficient material is available on record connecting them with the commission of the alleged offences. The learned counsel for the applicants/accused has failed to make out a case warranting the grant of pre-arrest or post-arrest bail within the contemplation of subsection (2) of Section 497, Cr.P.C.

11. In view of the foregoing circumstances, the instant bail applications are hereby dismissed. The interim pre-arrest bail earlier granted to accused Qurban Ali in Criminal Bail Application No. D-49 of 2025 vide order dated 26.08.2025 is accordingly recalled.

12. 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.

Office to place a copy of this order in the connected bail applications.

**JUDGE**

**JUDGE**