

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail Appln. No. S-924 of 2025

Applicant : Tanveer son of Meer Hassan, Rajput
Through Mr. Liaquat Ali Malano, Advocate

Complainant : Mst. Rizwana w/o Naveed Ali Rajput
Through Mr. Qaimuddin Malano, Advocate

The State : *Through Mr. Attaullah Kalwar, Special
Prosecutor for Pakistan Railways.*

Date of hearing : 23.10.2025
Date of Order : 23.10.2025

O R D E R

KHALID HUSSAIN SHAHANI, J. – The applicant, Tanveer Rajput, seeks post-arrest bail in a case bearing crime No.03/2025, for offences punishable under Sections 302, 120-B, and 109 of the Pakistan Penal Code, registered at Police Station Railway Rohri. It is noteworthy that the learned Additional Sessions Judge-II, Ghotki had earlier declined his bail application vide order dated 19.09.2025.

2. The prosecution's case, as set out in the FIR, unfolds that on 14.01.2025 at approximately 1700 hours, the complainant, Mrs. Rizwana, wife of the deceased Naveed Ali, reported that about a year previously she had contracted a lawful love marriage with Naveed Ali at Nawabshah Court. Their union, however, was met with opposition from their relatives, resulting in a strained family environment. The couple was residing together in a rented house at Nawabshah, where their son, about four months old at the time of the incident, was also living. The complainant asserted that her brothers, including the applicant Tanveer, had threatened both her and her husband with death due to their marriage.

3. Moreover, the complainant stated that on 06.01.2025, her maternal uncle Muhammad Akram invited them to Lahore for employment, where they resided for six days. When their infant son fell ill, they decided to return to Nawabshah via the Awami Express train. The grievous incident occurred on 13.01.2025 when the train stopped at Ghotki Railway Station. The complainant's

husband allegedly alighted the train to fetch water, at which time she heard gunshots. She claims to have witnessed fire directed at her husband's head, causing him to collapse seriously injured upon the platform. Immediate steps were taken by the railway police who seized a pistol and empty shell casings from the spot. The injured was shifted first to Taluka Hospital Ghotki, then to Sukkur Hospital, and subsequently to Gambat Hospital, where he unfortunately succumbed to his injuries. The FIR under the relevant sections was lodged on 14.01.2025 with a delay of one day.

4. The counsel for the applicant has forcefully argued that the applicant is innocent and has been falsely implicated due to familial animosities. Emphasis was placed on the unexplained delay of more than one day in filing the FIR, which casts doubt on the prosecution's version. Furthermore, it was pointed out that the complainant, during her testimony before the trial court, materially deviated from the initial statements made in the FIR, undermining reliability. Significantly, affidavits have been filed on behalf of the complainant herself, as well as by Mst. Muniba Begum and Qasim Ali, the mother and brother of the deceased respectively, categorically exonerating the applicant from involvement in this tragic incident. The co-accused Iqbal and Akram have already been granted post-arrest bail by this Court, and under the doctrine of consistency, the applicant is equally entitled to the same relief.

5. Learned Special Prosecutor Railways appearing for the State, upon a meticulous perusal of the complainant's testimony and other investigative materials, candidly conceded that there is no direct or circumstantial evidence linking the applicant to the commission of the alleged offence. Consequently, the learned prosecutor raised no objection to the grant of bail.

6. Additionally, the learned counsel for the complainant also acquiesced to the arguments presented and did not oppose admitting the applicant to bail, an important concession that speaks volumes about the strength of the prosecution's case.

7. The principles of law compel this Court to extend bail where the material against the accused is tenuous and to prevent unnecessary incarceration pending trial. It is pertinent to reiterate that the co-accused persons, Iqbal and Akram, have been admitted to bail by this Court on 20.08.2025, and therefore, the applicant is entitled to consistent treatment under established jurisprudence. The prosecution's version rests essentially on an un-witnessed occurrence with contradictory accounts. The complainant's statement is not only inconsistent but, having been declared hostile, she faced rigorous cross-examination by the prosecution's own counsel without producing any substantial evidence incriminating the applicant. The affidavits of the deceased's immediate family members further affirm the applicant's innocence and corroborate the inconsistencies in the prosecution's case.

8. This duality in the prosecution's narrative creates genuine doubt, the resolution of which lies within the deeper scrutiny at the trial stage, not at the bail juncture. It is well-recognized that bail is not a reward but a right where the prosecution fails to establish a prima facie case or when circumstances justify release on strict terms.

9. In view of the above discussion and the settled legal principles, the applicant Tanveer son of Meer Hassan Rajput is hereby admitted to post-arrest bail subject to his furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Hundred Thousand only) alongside a PR bond of the like amount to the satisfaction of the learned trial court.

10. It is imperative to note that the observations made herein are tentative and shall not prejudice or influence the trial court's findings or the final determination of the matter.

J U D G E