

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail Appln. No. S-816 of 2025

Applicants : 1) Muhammad Ameen son of Sahib Dino  
2) Munawar Ali @ Akbar son of Ali Muhammad  
both by caste Kalo  
*Through* Mr. Abdul Qudoos Jatui, Advocate

Complainant : Muhammad Bux s/o Lal Bux, Kalo  
*Through* Mr. Azeem Khan Kamboh, Advocate

The State : *Through* Mr. Mansoor Ahmed Shaikh, DPG

Date of hearing : 16.10.2025  
Date of Order : 16.10.2025

## **ORDER**

**KHALID HUSSAIN SHAHANI, J.**— The instant application for pre-arrest bail has been instituted by the applicants Muhammad Ameen son of Sahib Dino and Munawar Ali @ Akbar son of Ali Muhammad, both belonging to the Kalo caste, who stand implicated in a case bearing crime No.106 of 2025 for offences punishable under Sections 302, 114, 337-H(ii), and 149 of the Pakistan Penal Code, registered at Police Station Tharu Shah, District Naushahro Feroze. It is notable that the learned Additional Sessions Judge-II, Naushahro Feroze, has previously declined their bail application vide order dated 01.09.2025.

2. The brief yet cogent facts, as emergent from the FIR lodged by Muhammad Bux on 17.07.2025, are that the deceased, Muhammad Eassa, had executed the sale of certain agricultural land in favour of one Ghulam Qadir Kalo. Thereupon, a civil suit was instituted in the Court of Senior Civil Judge, Kandiaro, and the purchase consideration was duly deposited with the said court, the receipt of which was acknowledged by Ghulam Qadir Kalo. The transaction thus effected engendered resentment in Muhammad Khan, son of Ghulam Qadir Kalo. On the day of the occurrence, the complainant received information that Muhammad Khan's party was causing irrigation waters to flow onto his lands. Consequently, the complainant's son Nazeer Ahmed, followed by the complainant and his nephew Siraj Ahmed, proceeded to the site and encountered the accused, including the instant applicants, armed with lethal weapons. The deceased inquired as to the rationale for the act of irrigation. Allegedly, instigated by Muhammad Khan, co-accused Muhammad Ameen s/o Abdul Khalique and Qurban discharged firearms with their

respective weapons at the deceased, inflicting injuries which proved fatal notwithstanding prompt medical intervention. It is further asserted that the applicants and remaining co-accused resorted to aerial firing, compelling intervention by other villagers who identified the culprits. On completion of the post-mortem examination and requisite formalities, a case was registered accordingly.

3. Learned counsel for the applicants has earnestly contended that the applicants are innocent, having been falsely implicated pursuant to mala fide intentions arising from a protracted land dispute. Particular emphasis has been placed on the following:

- An inordinate and unexplained delay of about twelve hours in lodging the FIR, which materially impugns the veracity of the prosecution case;
- The allegations leveled against the applicants are vague and nonspecific, limited primarily to aerial firing, with no direct attribution to the fatal shooting;
- Absence of any independent ocular evidence; all witnesses cited are close relatives of the complainant, thereby rendering their testimony suspect due to evident interest;
- The applicants seek the extraordinary relief of pre-arrest bail to prevent unwarranted harassment and humiliation, having otherwise fully cooperated with the investigation.

4. The learned counsel has relied upon authoritative precedents including those reported in 2022 P.Cr.L.J 170, 2020 P.Cr.L.J Note 109, 2011 MLD 1017, and 2020 YLR 75.

5. Conversely, the learned counsel appearing for the complainant vehemently opposed the application, asserting specific and distinct roles attributed to the applicants, buttressed by ocular testimony and corroborative medical evidence. Learned Deputy Public Prosecutor has also resisted the grant of bail, stressing the doctrine of common intention underlying the allegations.

6. Having given due anxious consideration to the arguments advanced and perused the entirety of the record, this Court observes that the admitted delay of twelve hours in lodging the FIR, unexplained and unwarranted, casts a shadow of doubt upon the prosecution narrative at this prima facie stage. The explicit allegation of infliction of fatal firearm injuries is confined solely to co-accused Muhammad Ameen and Qurban, whereas the applicants have been implicated for aerial firing only, a matter which

necessitates detailed scrutiny during trial to determine the precise extent of their culpability and participation in the commission of the offence. Further, the ocular testimony emanates exclusively from witnesses who are proximate relations of the complainant, rendering their evidence prima facie interested and dependent.

7. It is a settled principle that pre-arrest bail is a salutary remedy designed to afford protection to individuals wrongfully subjected to harassment and oppressive arrest, without impeding the course of legitimate criminal investigation. The applicants have manifestly cooperated with the authorities, and there exists no material which compels their custodial remand or suggests custodial interrogation to be indispensable.

8. In light of the foregoing, and having regard to the necessity for further inquiry contemplated under Section 497(2) of the Code of Criminal Procedure, 1898, this Court is persuaded to confirm the interim pre-arrest bail already conferred upon the applicants. Accordingly, the instant application is hereby allowed and the interim relief granted on 08.09.2025 stands affirmed on the same terms and conditions. The applicants shall continue to extend full cooperation to the investigating agency and shall present themselves before the trial Court punctually on all fixed dates of hearing.

9. It is imperative to underscore that the observations made herein are tentative and shall not influence the ultimate adjudication on merits by the trial Court, which shall remain unfettered to evaluate evidence and arrive at a just conclusion.

**J U D G E**