

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-321 of 2025

Applicant: Waheed Ali S/o Ali Ghulam,
Through Mr. Afzal Karim Virk, Advocate.

Respondent: The State.
Through Mr. Dhani Bakhsh Mari, A.P.G.

Complainant: Mazhar son of Muhammad Siddique,
Through Mr. Mir Pervaiz Akhtar Talpur, advocate.

Date of Hearing: 03.12.2025

Date of Order: 03.12.2025

ORDER

Shamsuddin Abbasi, J: Through this Bail Application, the applicant/accused Waheed Ali seeks post-arrest bail in Crime No.33/2024 for offence under sections 324, 337-A(i) and 504 P.P.C of PS Pithoro, after dismissal of his bail plea by the learned Sessions Judge, Umerkot, vide order dated 09.10.2025.

2. Brief facts of the prosecution case are that sister of the complainant was married to the applicant/accused Waheed Ali, and they had four children. The applicant allegedly used to maltreat his wife, Kanwal, and about one year prior to the incident, after further maltreatment, he expelled her along with the children from his house, after which they began residing with her parents. On 14.10.2024, children namely Sakeena and Zaheer went to school in Pithoro Town but did not return. Upon search, it transpired that the children were present in the house of the applicant/accused. Thereafter, the complainant party reached at the said place at about 1830 hours and found the applicant/accused present, who, while allegedly armed with a repeater gun, refused to allow the children to accompany their mother, used abusive language, and fired upon Muhammad Siddique, father of the complainant, causing firearm injury on the right side of his head, and also fired again, causing a firearm injury to his own sister Zubeda on her neck, hence this FIR.

3. Learned counsel for the applicant submits that about one year has been passed and case has not been concluded.

4. Learned counsel for the complainant submitted the case diaries, which reveal that on the last three dates of hearing, the case was fixed for

recording the statement of the accused, but the same could not be recorded by the learned trial Court due to adjournments sought by the counsel for the applicant.

5. Heard learned counsel for the applicant, learned counsel for the complainant, learned A.P.G for the State and perused the record.

6. This is second bail application filed by the applicant. Previously, this court dismissed his post arrest bail application vide order 17.02.2025 on merits. He has repeated his bail application before learned trial court on the ground of hardship and the same was dismissed vide order dated 09.10.2025. It is well settled principal of law that when the case is at the verge of conclusion, neither bail can be granted nor it can be cancelled as held by Hon'ble Supreme Court of Pakistan reported as **2011 SCMR 1332** and **2006 SCMR 933**.

7. In view of the above, no case of bail is made out, as such, the instant bail application is **dismissed**; however, learned trial court is directed to conclude the matter preferably within one month and submit such compliance report through Additional Registrar of this Court.

8. The observations made here-in-above are tentative in nature and would not prejudice the case of either party at the trial.

JUDGE

Faisal