

IN THE HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Crl. Bail Application No.S-317 of 2025

Applicant: Muhammad Yaqoob son of Muhammad Luqman,
Through Mr. Zohaib Hassan Pahore, Advocate.

Complainant: Abdul Hafeez son of Bangal Khan,
Through Mr. Rizwan Ali, Advocate.

Respondent: The State
Through Mr. Neel Parkash, D.P.G.

Date of hearing: **18.12.2025**

Date of Order: **18.12.2025**
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O R D E R

SHAMSUDDIN ABBASI, J.:- Applicant Muhammad Yaqoob seeks post-arrest bail in Crime No.195 of 2025 for offence under Sections 302 and 34 P.P.C, registered at Police Station Sanghar, after dismissal of his bail plea by the learned Additional Sessions Judge-I, Sanghar, vide order dated 14.10.2025.

2. It is a case of the prosecution that on 16.08.2025, co-accused Atta Muhammad, Sohail, Arif and one unknown accused came at the scene offence and caused pistol shot injuries to deceased Mahroof on his face and other part of the body, hence F.I.R was registered. The complainant recorded further statement on 09.09.2025 whereby he disclosed the name of present applicant. He was arrested and no any incriminating material has been recovered from his arrest.

3. Learned counsel for the applicant submits that the applicant is innocent and falsely implicated in this case due to malafide intention; that motive is against the co-accused Atta Muhammad; that the applicant is not nominated in the F.I.R; that there is delay of 22 days in recording further statement under section 162 Cr.P.C; that prior to his arrest, son of applicant

has filed application under section 491 Cr.P.C for his illegal detention by the concerned police; that his case calls for further enquiry in terms of Section 497(2) Cr.P.C.

4. Conversely, learned D.P.G for the State assisted by counsel for the complainant has opposed for the grant of bail on the ground that the complainant implicated the applicant in his further statement recorded by the I.O on 09.09.2025 and role has been assigned for causing fire arm injuries to deceased Mahroof on his arm; that the alleged offence is heinous one which carries capital punishment, therefore, he is not entitled for grant of bail.

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

6. Admittedly, there is delay of 01 day in lodgment of the F.I.R without plausible explanation. Applicant is not nominated in the F.I.R and he has been implicated by the complainant in his further statement recorded by the I.O under section 162 Cr.P.C on 09.09.2025 with the delay of 22 days and on the same day he was arrested and no identification parade was conducted Further no any incriminating material has been recovered from his possession. It is settled proposition of law that Hon'ble Supreme Court of Pakistan in various pronouncement has granted bail on the point of further statement as held in cases reported as 2008 SCMR 1556, 2011 SCMR 161 and on a case of Muhammad Jahangir Afzal v. The State through P.G. Punjab and another reported in **2020 SCMR 935**. In the present case, before arrest of the applicant, son of the applicant has filed application under section 491 Cr.P.C about his arrest and raid was conducted but it was failed. Sufficient material is available on record which makes out the case of the applicant for further enquiry in terms of section 497(2) Cr.P.C.

7. In view of the above, the applicant is admitted on post arrest bail subject to furnishing solvent surety in the sum of Rs.300,000/- and a P.R Bond in the like amount to the satisfaction of learned trial court.

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

The application stands disposed of.

JUDGE

****Faisal****