

IN THE HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Crl. Bail Application No.S-272 of 2025

Applicant: Kaiso Kohli son of Nehal Kohli,
Through Mr. Altaf Hussain Chandio, Advocate
called absent.

Complainant: Heera Lal son of Jato Kohli,
Through Mr. Zaheer-ud-Din Nohri, Advocate.

Respondent: The State
Through Mr. Ghulam Abbas Dalwani, DPG.

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 Kaiso Kohli seeks post-arrest bail in Crime No.52 of 2025 for offence under Sections 302 and 114 P.P.C, registered at Police Station Nangarparkar, after dismissal of his bail plea by the learned Additional Sessions Judge-I, Tharparkar at Mithi, vide order dated 03.10.2025.

2. It is a case of the prosecution that on the instigation of applicant, co-accused Jaisal committed murder of Sht. Hooria by causing hatchet injuries on her body and he is in custody, hence this F.I.R.

3. Learned counsel for the applicant is called absent. The grounds mentioned in the bail application reveals that the applicant has been implicated in this case on the basis that he is real brother of main accused Jaisal who committed murder of Sht. Hooria; only role of instigation has been assigned to the applicant; that sharing common intention requires 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

applicant is nominated in the F.I.R with specific role of instigation; however, they admit that specific role for causing injuries to Sht. Hooria is assigned to co-accused Jaisal; the alleged offence come within the prohibitory clause of section 497 Cr.P.C, therefore, he is not entitled for grant of bail.

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

6. Admittedly, there is delay of 06 hours in lodgment of the F.I.R without plausible explanation, it is alleged in the F.I.R that co-accused Jaisal killed his wife Sht. Hooria by causing hatchet injuries and he is in custody and crime weapon has been recovered from his possession as far role of applicant is concerned he has assigned role of instigation and it is settled position of law that sharing of common intention and its vicarious liability requires further enquiry in terms of section 497(2) Cr.P.C. Reliance is placed on a case reported in **2011 SCMR 902**. 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.200,000/- 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