

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT**  
**HYDERABAD**

Cr. Bail Application No.S-779 of 2025

Cr. Bail Application No.S-939 of 2025

Applicants	:	Through M/s. Sajjad Ali Gopang & K.B Laghari, Advocates.
The State	:	Through Ms. Sana Memon, Asst. Prosecutor General, Sindh
Date of hearing	:	<b>12-01-2026</b>
Date of Order	:	<b><u>11-02-2026</u></b>

**O R D E R**

**OMAR SIAL, J:-** **Mohammad Bux Brohi** seeks post arrest bail and **Muhammad Hussain @ Haji Mevo Brohi** seeks pre-arrest bail in Crime No. 66 of 2023, registered under sections 114, 302, 506/2, 147, 148, 149 P.P.C. at the Khadar police station, after their bail was dismissed by the learned VI<sup>th</sup> Additional Sessions Judge, Sakrand, on 14.07.2025. By this common order, I intend to dispose of both captioned bail applications.

2- On 22.09.2025, F.I.R. No. 66 of 2023 under sections 114, 506/2, 302, 147, 148 and 149 P.P.C. was registered at the Khadhar police station on the complaint of Abdul Malik. Malik recorded that his maternal cousin, Mahi Khan (son of Shah Muhammad Jamali, aged 30), recently had a heated argument with Haji Mevo Brohi of Adam Khan Brohi village regarding a dispute over children. Following this, Haji Mevo Brohi threatened to kill Mahi Khan. On 20.09.2023, at approximately 8:00 a.m., while Mahi Khan, Sadique Ali, Mevo Fakir, and he were cutting grass in a banana plantation, five individuals approached them. These individuals were **Haji Mevo Brohi** (armed with a lathi/staff); **Muhammad Hanif Brohi** (armed with a pistol); **Shaman Brohi** (armed with a pistol); **Muhammad Bux Brohi** (armed with a lathi), and one **unidentified** person (armed with a lathi).

3- Haji Mevo Brohi instigated the group to capture and kill Mahi Khan. Shaman Brohi then fired his pistol directly at Mahi Khan, hitting him and causing him to collapse. Subsequently,

Muhammad Bux Brohi struck Mahi Khan on the neck with a lathi. When we attempted to intervene in the name of Allah, Muhammad Hanif Brohi pointed his pistol at us, threatening to kill anyone who approached. The assailants then fled south through the plantation. Mahi Khan succumbed to his injuries at the scene.

4- Learned counsel has stressed that there is a two-day delay in the lodging of the F.I.R. and that it was the absconding accused, Shaman Brohi, who had fired at and killed Mahi Khan. He further argued that the Lash Chakas Form reflects that the complainant had not named the accused when he had called the police to inform them that Mahi Khan had been murdered. The learned Assistant Prosecutor General wholeheartedly supported the impugned order.

5- I have heard the applicants' counsel and the learned Assistant Prosecutor General. The complainant and his counsel remained absent despite notice. My findings and observations are as follows.

6- It is true that it was Shaman Brohi who shot and injured Mahi Khan; however, it cannot be conclusively said at this preliminary stage that the accused Mohammad Bux Brohi did not share a common intention or a common object with Shaman. Neither can it be said upon a tentative assessment that the blows allegedly inflicted on Mahi Khan did not contribute to the death of Mahi Khan. I respectfully disagree with the learned counsel's submission that the medical reports do not reconcile with the ocular version. The postmortem report shows that the neck of the deceased was "freely movable". Further, it was after Shaman had fired and injured Mahi Khan that Mohammad Bux allegedly hit him on his neck with the lathi he carried. The initial information given to the police says that Mahi Khan has been murdered and asks the police to come there. In the circumstances of the case, the mere fact that no names were given in that information is not crucial at this preliminary stage. The impact of the two-day delay in lodging the F.I.R. will be determined by the learned trial court at the trial. At this stage, there appears to be sufficient evidence with the prosecution to establish a nexus between the murder and Mohammad Bux's role in the incident.

7- Haji Mevo Khan is accused of instigation. Keeping in view the prevailing trend in the interior of Sindh that every F.I.R. lodged for murder includes one person instigating the others in a loud voice before the attack begins, for the safer administration of justice, the common intention or common object, of Haji Mevo Khan, must be proved at trial. The case against him is one of further inquiry.

8- Given the above:

- i. The bail application of Mohammad Bux Brohi is dismissed.
- ii. The Interim pre-arrest bail of Haji Mevo Khan is confirmed against two sureties of Rs. 300,000 each and P.R. Bonds for the same amount. The amount deposited earlier by him is may be adjusted against the surety.
- iii. As a further condition of bail, Haji Mevo Khan shall not in any manner directly or indirectly contact or interact with the complainant or his family during the pendency of the trial. If evidence is provided by the complainant that this condition has been breached, the learned trial court itself will be empowered to cancel the concession given herein.

**JUDGE**

***\*Hafiz Fahad\****