

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS
Crl. Bail Application No.S-276 of 2025

Applicants: 1. Muhammad Hassan s/o Khair Muhammad.
2. Burhan-ul-Din s/o Luqman
Through Mir Pervez Akhter Talpur, Advocate.

Respondent: The State.
Through Mr. Ghulam Abbas Dalwani, D.P.G.

Complainant: Shakaruddin s/o Ameeruddin Nohri
Through Syed Tarique Ahmed Shah, Advocate.

Crl. Bail Application No.S-306 of 2025

Applicant: Muhammad Ramzan s/o Khair Muhammad
Through Mir Pervez Akhter Talpur, Advocate.

Respondent: The State.
Through Mr. Ghulam Abbas Dalwani, D.P.G.

Complainant: Shakaruddin s/o Ameeruddin Nohri
Through Syed Tarique Ahmed Shah, Advocate.

Date of hearing: 17.02.2026

Date of Order: 17.02.2026

ORDER

Miran Muhammad Shah, J: Through this single Order, I intend to dispose of above-mentioned both bail application, whereby the applicants/ accused seek post arrest bail in F.I.R No.27 of 2025 for offence punishable under sections 302, 324, 114, 447, 147, 148, 149, 504, 337-A(i), 337-F(i) P.P.C of PS Chachro, after rejection of their bail plea by the learned Additional Sessions Judge-I, Tharparkar @ Mithi vide Orders dated 03-09-2025 and 29-10-2025 respectively.

2. The details and particulars of the F.I.R are already available in bail application(s) and the F.I.R, as such, need not to reproduce the same hereunder.

3. Per learned counsel for the applicants, the applicants are innocent and they have been falsely implicated in this case by the complainant due to admitted enmity; that there is unexplained delay of three days in lodgment of the F.I.R; that as per record, the applicants are not responsible to cause murder of deceased Anwar; that at the time of alleged incident, applicant Muhammad Ramzan was available at Umerkot and such CCTV footage was provided to the investigation team and initially his name was shown in column No.2 of the Challan sheet by the I.O; that there is conflict in between the ocular and medical version in respect of injuries sustained by the complainant; that case of the applicants requires further inquiry. Lastly he prayed for the grant of bail to the applicants. In support of his contentions, he has relied upon case law i.e. 2022 SCMR 186, 2022 SCMR 1245, 2017 SCMR 538, 2011 SCMR 1392, PLD 2024 SC 1241, 2022 SCMR 663, 2022 SCMR 1245 and 2021 SCMR 87.

4. On the other hand, learned counsel for the complainant vehemently opposed for the grant of bail to the applicants while arguing that plea of alibi was not taken by applicant Muhammad Ramzan at the time of obtaining protective bail from this Court hence same is after thought; that the delay in lodgment of F.I.R has been plausible explained in the F.I.R as entry in respect of alleged incident was promptly lodged at the police station; that applicants have share common intention in the alleged incident; that alleged offence is of capital punishment and falls under the prohibitory clause of section 497 Cr.P.C. Lastly he prayed for dismissal of instant bail applications. In support of his contentions he has relied upon case law i.e. 2023 SCMR 1724, 2023 SCMR 975, 2022

SCMR 750, 2010 SCMR 966, PLD 2009 Supreme Court 440, 2012 SCMR 556 and 2007 SCMR 482.

5. Learned D.P.G also opposed the grant of bail to the applicants while adopting the arguments advanced by learned counsel for the complainant; however, he very frankly submitted that as per latest judgment of the honourable Supreme Court, the allegation of the common intention is to be determined at the time of trial.

6. I have heard learned counsel for the applicants, learned counsel for the complainant so also learned D.P.G. It transpires from the arguments and material available on record that alleged incident arose due to dispute over landed property wherein allegation against the present applicants is that they alongwith their companions, in furtherance of their common intention, came at the disputed land and attacked upon the complainant party, resulting in death of one and injuries to two persons. The present applicants seem to have not caused any fatal blow to the complainant's side. The injuries attributed to applicant Muhammad Hassan and Burhan-ul-Din are merely abrasions, caused to the complainant. Even the role attributed to them is of carrying *lathies* with them. As per medical record section 337-L(2) P.P.C has been applied to the said injuries, which is bailable offence. There is clear delay of three days in lodgment of the F.I.R and simultaneously further delay in recording of statements of the P.Ws under section 161 Cr.P.C. No recovery of any nature has been attributed to the present applicants. However, in the connected bail application (bearing No.S-306/ 2025) the role of applicant Muhammad Ramzan is distinguishable from the other two

applicants Muhammad Hasan and Burhan-ul-Din (in CrI. B.A.No.S-276/ 2025), who has allegedly caused hatchet blow on the head of injured Hayat, who was present at the spot from the complainant's side. The present applicant Muhammad Ramzan had pleaded plea of *alibi* on the ground that he was not available at spot at the time of alleged incident and was present at Umerkot. In support of his contentions, CCTV footage of his presence at Umerkot was produced before the Investigation Team. Such CCTV footages is part of the record and perhaps be produced at the time of trial; hence his plea of *alibi* can only be determined at the time of trial and only tentative assessment is to be made at this bail stage. The enmity pleaded is double edged sword, which can be used in favour of either party. The plea of *alibi* taken by applicant Muhammad Ramzan further put, the presence of the present applicants at the spot and involvement in the commission of offence, under suspicious and makes the case of the applicants as one of further inquiry. As per dictums laid down by the honourable superior Courts in many of the case laws that if the case is established to be of further inquiry, the benefit must go to the applicants/ accused in grant of bail, therefore, I am of the conclusion that case for grant of bail is made out against all the three applicants/ accused. The applicant/ accused Muhammad Hassan s/o Khair Muhammad and Burhan-ul-Din s/o Luqman, in Criminal Bail Application No.S-276/ 2025, are granted bail subject to furnishing solvent surety in the sum of Rs.50,000/= (Rupees Fifty Thousand only) each and P.R.Bond in the like amount to the satisfaction of learned trial Court, whereas applicant/ accused Muhammad Ramzan s/o Khair Muhammad, in Criminal Bail Application No.S-306/ 2025, is granted bail subject to furnishing

solvent surety in the sum of Rs.100,000/= (Rupees One Hundred Thousand only) and P.R.Bond in the like amount to the satisfaction of learned trial Court.

7. The facts of the case laws relied upon by learned counsel for the complainant are distinguishable from the facts of the case in hand.

8. The observations made in this decision are of a tentative nature and will not influence the merits of the case.

The instant bail applications are disposed of accordingly.

JUDGE

Saleem