

**HIGH COURT OF SINDH CIRCUIT COURT  
MIRPURKHAS**

**Criminal Bail Application No.S-10 of 2026**

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Applicant: Hussain Bux s/o Wali Muhammad.  
Through Mr. Mian Taj Muhammad Keerio,  
Advocate.

Respondent: The State  
Through Mr. Ghulam Abbas Dalwani,  
Deputy Prosecutor General Sindh.

Complainant: Abdul Salam s/o Lakhadino.  
Through Mr. Syed Tariq Ahmed Shah,  
advocate.

**Criminal Bail Application No.S-15 of 2026**

Applicant: Parkash s/o Gangu.  
Through Mr. Shoukat Ali Rahimoon,  
Advocate.

Respondent: The State  
Through Mr. Ghulam Abbas Dalwani,  
Deputy Prosecutor General Sindh.

Complainant: Abdul Salam s/o Lakhadino.  
Through Mr. Syed Tariq Ahmed Shah,  
advocate.

Date of Hearing: 24.02.2026

Date of Order: 24.02.2026

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**ORDER**

**Miran Muhammad Shah, J-:** Through above captioned bail applications, the applicants/accused namely Hussain Bux and Parkash seek post-arrest bail in Crime No.69 of 2025 for offence under Sections 302, 147, 148, 149, 114 and 34 registered at Police Station Diplo, after dismissal of their bail plea by the learned Additional Sessions Judge-I/Judge MCTC, Tharparkar at Mithi, vide order dated

09.01.2026.

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

3. Mr. Mian Taj Muhammad Keerio advocate for the applicant/accused in Criminal Bail Application No.10/2026 submits that the applicant/accused is innocent and has been falsely implicated in the present case; that the FIR is delayed and based on hearsay, the complainant is not an eyewitness, no specific role or overt act has been attributed to the applicant, and the allegation of instigation is baseless and an afterthought. Learned Counsel further submits that at the relevant time the applicant, being S.H.O. P.S. Diplo, was on official escort duty of an MPA at a distant location, duly reflected in Roznamcha entries and supported by CDRs, which also contradict the presence of prosecution witnesses at the scene. The JIT report found no incriminating material against the applicant and recommended his release, while no recovery has been effected from him and medical evidence does not connect him with the alleged injuries. It is further argued that co-accused has already been granted bail on the principle of consistency, the deceased had prior criminal involvement and possible enmities, no independent witness has been cited, and the prosecution story suffers from material contradictions rendering the case one of further inquiry under Section 497(2) Cr.P.C. Learned counsel maintains that the applicant has an unblemished service record, deep roots in society, no likelihood of absconding or tampering with evidence, and as bail is a rule and jail an exception, he is entitled to the concession of post-arrest bail and prayed for grant of bail.

4. Mr. Shoukat Ali Rahimoon advocate for the applicant/accused in Criminal Bail Application No.15/2026 submits that the applicant/accused is innocent and has been falsely implicated in the present case; that the FIR is delayed and based on hearsay, the complainant is not an eyewitness, no specific role assigned to the applicant/accused except his presence at the spot. It is further argued that co-accused has already been granted bail on the principle of consistency and no independent witness has been cited, and the prosecution story suffers from material contradictions. Lastly he prayed for grant of bail.

5. Conversely, learned A.P.G and learned counsel for the complainant have vehemently opposed the grant of bail to the applicant/accused on the ground that the applicant/accused has actively participated in the commission of the offence and is not entitled to the concession of bail.

6. I have heard the learned counsel for the applicant/accused, learned counsel for the complainant and learned A.P.G for the State and perused the record.

7. From the perusal of the record, it transpires that the Joint Investigation Team (JIT), after conducting an investigation, submitted its report before the concerned Magistrate recommending the release of accused Hussain Bux. However, the learned Magistrate declined to accept the said report and retained the name of accused Hussain Bux in the list of accused persons in the challan. Learned counsel for the applicant/accused Hussain Bux contends that the case of the applicant does not fall within the ambit of the prohibitory clause and that the matter requires further inquiry on the ground of plea of alibi. According to him, the applicant was not present at the place of occurrence at the

relevant time and was performing official escort duty of an MPA at a distant location. However, the incident took place within the jurisdiction of the concerned SHO and the SHO is administratively responsible for the entire area. It is noted that the name of applicant/accused Hussain Bux is specifically mentioned in the FIR with an assigned role of instigation. Learned counsel has failed to satisfactorily explain how, being the SHO of the concerned police station and responsible for maintaining law and order in the area could be absolved at this stage, particularly when higher authorities rely upon the concerned SHO for policing matters within his jurisdiction. The offence alleged is of Section 302, PPC, which carries the punishment of death or imprisonment for life and thus falls within the prohibitory clause; therefore, applicant Hussain Bux does not make out a case for grant of bail at this stage. So far as applicant Parkash in Criminal Bail Application No.15/2026 is concerned, his role appears to be of mere presence, as he has been shown to be part of the police party and allegedly empty-handed at the spot, accompanying the SHO. At this stage, the role attributed to applicant/accused Parkash falls within the ambit of further inquiry.

8. In view of the above observations, the bail application of applicant/accused Hussain Bux (Criminal Bail Application No.10/2026) is hereby dismissed. However, bail is granted to applicant/accused Parkash (Criminal Bail Application No.15/2026), subject to his furnishing surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court. It is further observed that the case has already been challaned; therefore, the learned trial Court is directed to conclude the trial expeditiously, preferably within three months, and submit a compliance report to this Court through the Additional Registrar,

particularly to ascertain whether applicant/accused Hussain Bux, SHO PS Diplo, was present at the time of the incident or not and what was his role?

9. 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 in above terms.

**JUDGE**

*\*Adnan Ashraf Nizamani\**