

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

Cr. Bail Appln. No.S-1162 of 2025

&

Cr. Bail Appln. No.S-1179 of 2025

Applicants : 1) Muhammad Moriyal s/o Jaffar Khan  
2) Rab Rakhio s/o Jaffar Khan  
3) Nizam s/o Ghulam Sarwar  
*Through M/s Shabbir Ali Bozdar & Aaraf  
Soomro, Advocates*

Complainant : Ameer Bux s/o Muhammad Mithal, Taggar  
*Through Mr. Abdul Qadir Khanzada, Advocate*

The State : *Through Mr. Mansoor Ahmed Shaikh, DPG*

Date of hearing : 26.02.2026  
Date of order : 26.02.2026

**ORDER**

**KHALID HUSSAIN SHAHANI, J.** – By this consolidated order, the Court is seized of two cognate bail petitions: Criminal Bail Application No.S-1162 of 2025 preferred by applicants Muhammad Moriyal and Rab Rakhio seeking pre-arrest protection; and Criminal Bail Application No.S-1179 of 2025 filed by applicant Nizam Taggar seeking post-arrest enlargement on bail. Both emanate from FIR No.496 of 2025 registered at Police Station Naushahro Feroze, disclosing offences under Sections 457, 459, 337-A(i) and 337-H(ii), PPC. The earlier applications for bail were declined by the learned Additional Sessions Judge-II, Naushahro Feroze, vide orders dated 02.12.2025.

2. Succinctly, the facts as narrated in the FIR are that on 13.11.2025 at about 10:30 p.m, complainant Ameer Bux, while sleeping in the courtyard of his residence along with his nephew Haji Muhammad Saleh after tethering their cattle, alleged that four persons namely, Muhammad Moriyal armed with a *chilkor*, Nizam armed with a pistol, Rab Rakhiyo with a gun, and one unidentified person, entered the cattle pen with intent to commit theft. Upon resistance, accused Moriyal allegedly struck a *chilkor* blow on the complainant's forehead, while

co-accused Nizam purportedly aimed his pistol at the nephew and fired in the air. The accused allegedly fled upon the arrival of villagers. The FIR was lodged on 17.11.2025, subsequent to the complainant's medical treatment.

3. Learned counsel for the applicants contended that the applicants stand falsely implicated due to village enmity and that the unexplained delay of four days in lodging the FIR signifies deliberation and mala fide consultation. He further argued that the ocular account contains a glaring inconsistency: the role of causing the *chilkor* injury was initially assigned to Nizamuddin in the FIR but later shifted to Moriyal in the complainant's subsequent statement dated 18.11.2025. This discrepancy, according to counsel, renders the prosecution story inherently doubtful and brings the case within the fold of further inquiry in terms of Section 497(2) Cr.P.C. He also submitted that the complainant expired on 19.02.2026 and had, during his lifetime, executed an affidavit raising no objection to the grant of bail for all applicants. A similar affidavit sworn by the eye-witness Waqar Ahmed exonerating the applicants was also referred to. It was urged that the pre-arrest applicants have duly joined investigation and have neither absconded nor misused the concession of interim bail.

4. Learned counsel appearing on behalf of the complainant, with commendable fairness, submitted that both the deceased complainant and eye-witness Waqar Ahmed had executed affidavits exculpating the applicants and recording their lack of objection to the grant of bail.

5. Learned Deputy Prosecutor General, adopting the arguments of learned counsel for the complainant, fairly conceded that the four-day delay in the registration of the FIR remains unexplained. He further acknowledged the presence of a material inconsistency in the ocular

account regarding attribution of injury and candidly admitted that both the complainant and the eye-witness have sworn exonerating affidavits.

6. Having heard the learned counsel and perused the record with the assistance of both sides, it emerges that the prosecution case rests upon grounds exceedingly fragile. The delay of four days in the lodgment of the FIR, in the absence of justifiable cause, militates against the cardinal principle that prompt reporting lends assurance to veracity. Such delay inoculates the defense plea of deliberation and false implication. Moreover, the stark contradiction regarding the assailant responsible for the *chilkor* blow first Nizamuddin in the FIR, thereafter Moriyal in a subsequent statement, strikes at the core of the ocular testimony and casts grave doubt on the prosecution narrative.

7. This inconsistency, coupled with affidavits executed by the complainant (since deceased) and the principal eye-witness absolving the applicants, brings the matter squarely within the ambit of further inquiry, contemplated by Section 497(2) of the Code of Criminal Procedure. It is trite law that where reasonable doubt exists as to the correctness of the prosecution allegations, benefit thereof must necessarily enure to the accused even at the bail stage.

8. Resultantly, Criminal Bail Application No. S-1162 of 2025 is allowed; the interim pre-arrest bail earlier granted to applicants Muhammad Moriyal and Rab Rakhio on 04.12.2025 is confirmed on the same terms and conditions. Criminal Bail Application No. S-1179 of 2025 is also allowed; applicant Nizam Taggar is admitted to post-arrest bail upon furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and a personal bond in the like amount to the satisfaction of the learned trial Court.

9. The observations made herein are tentative in nature, confined exclusively to the adjudication of these bail petitions, and shall not in any manner prejudice the merits of the trial. The learned trial Court shall proceed *de novo* upon the evidence led before it, uninfluenced by any finding recorded herein. The office is directed to annex a duly signed copy of this order with the connected bail application.

**J U D G E**