

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS
Crl. Bail Application No.S-395 of 2025

Applicant: 1. Waheed Ali s/o Dost Ali
Through Mr. Agha Iftikhar Hussain Tareen,
Advocate.

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

Complainant: Ahmed Khan s/o Punhoon Khan
Through Mr. Zulqarnain Talpur, Advocate
(called absent).

Crl. Bail Application No.S-380 of 2025

Applicants: 1. Gada Hussain s/o Lakha Dino.
2. Fida Hussain s/o Lakha Dino
Through Mr. Agha Iftikhar Hussain Tareen,
Advocate.

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

Complainant: Ahmed Khan s/o Punhoon Khan
Through Mr. Zulqarnain Talpur, Advocate.
(called absent).

Date of hearing: 25.02.2026

Date of Order: 25.02.2026

ORDER

Miran Muhammad Shah, J: Through this single Order, I intend to dispose of above-mentioned both bail applications, whereby the applicant/ accused Waheed Ali s/o Dost Ali seeks post arrest bail while applicants/ accused Gada Hussain s/o Lakha Dino and Fida Hussain s/o Lakha Dino seek pre-arrest bail in F.I.R No.350/ 2025 for offence punishable under sections 302,324,365,511,504,34 P.P.C of PS Shahdadpur, after rejection of their bail plea by the learned Additional Sessions Judge, Shahdadpur, vide Order(s) dated 05-12-2025 and 26-11-2025 respectively.

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

3. Learned counsel for the applicants contends that the applicants are innocent and they have been falsely implicated in this case due to matrimonial dispute; that infact complainant party attacked upon close relatives of the applicants/ accused and caused severe injuries to them, such complaint was also submitted at police station but F.I.R could not be lodged due to political influence of the complainant party; that relative of the applicants namely Mst. Panah Khatoon then filed application under section 22-A and B Cr.P.C and learned Additional Sessions Judge/Ex-Officio Justice of Peace, Shahdadpur, ordered for constitution of J.I.T in that matter; that the case of the applicants requires further inquiry. Lastly he prayed for the grant/confirmation of bail to the respective applicants. In support of his contentions, he has relied upon case law i.e. 2020 S C M R 45.

4. Learned D.P.G has vehemently opposed for the grant of bail to the applicants while arguing that this is a case of honour killing as son of deceased Zahoor Ahmed contracted love marriage with the daughter of applicant Gada Hussain and in retaliation accused party attacked upon the house of the complainant party and tried to kidnap the daughter of deceased Zahoor Ahmed, which resulted in the death of deceased Zahoor Ahmed, hence section 311 P.P.C of honour killing is very much applicable in this case, therefore, this case may be treated as of same nature; that the J.I.T constituted on the Order of the learned Ex-Officio Justice of Peace, has declared the application of Mst. Panah Khatoon as false one; that the applicants are nominated in the F.I.R with specific role and they shared common intention in the alleged incident; that sufficient material is available on record to connect the applicant with the alleged crime; that alleged offence falls within the prohibitory clause of section 497 Cr.P.C. Lastly he prayed for dismissal of instant bail applications.

5. I have heard learned counsel for the applicants/ accused and learned D.P.G so also perused the material available on record, which shows that accused party attacked at the house of the deceased Zahoor Ahmed in retaliation of love marriage contracted by the son of deceased Zahoor Ahmed with the daughter of applicant Gada Hussain. Although I do not see ingredients of

section 311 P.P.C applied in this matter as the couple i.e. boy or girl is not the victim in this case and deceased Zahoor Ahmed was perhaps father of the boy, hence killing of a father of boy cannot be considered as honour killing. However, since entire mob, comprising about 10 or more people, attacked at the house of the complainant party and attempted to kidnap a young girl of deceased Zahoor Ahmed is an offence, which cannot be taken lightly although even murder took place. The presence of the applicants at the place of incident was of criminal in nature and applicant Fida Hussain caused hatchet blow to one of the injured Ameer Ali Lashari on his head; whereas applicant Gada Hussain infact instigated incident and called for more support through his mobile phone, which infact resulted in death of one person and injuries to four persons. The present applicants Gada Hussain and Fida Hussain are nominated in the F.I.R with specific role in the crime, hence despite having enmity with the complainant party cannot be released on bail and malafide intention cannot be attributed and applied to their case. It was not just mere presence of the applicants at the place of incident, rather full role to each has been attributed, therefore, not only common intention is there but specific role exists. In such circumstances, the present applicants /accused Gada Hussain and Fida Hussain have not made out their case for the confirmation of pre-arrest bail; hence their bail application No.S-380/ 2025 is hereby dismissed and order dated 01-12-2025 for the grant of ad-interim pre-arrest bail to them is hereby recalled.

6. So far the case of applicant/ accused Waheed Ali is concerned; no specific role is attributed to him in the commission of alleged crime except mere presence at the place of incident. Even it is not specifically mentioned in the F.I.R that what kind of weapon he was carrying. Until and unless specific role is not mentioned in the crime, the bail could not be withheld. In this respect, reliance is placed on case law i.e. 2020 S C M R 451, wherein in a murder and injury case, no injury was attributed and no specific role is attributed to the applicant, bail was granted. While placing reliance on the above case law as well as case record, I am inclined to grant bail to applicant/ accused Waheed Ali; hence his bail application No.S-395/ 2025 is allowed and he is admitted

to post arrest 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 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