

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

Crl. Bail Application No.S-366 of 2026

**Applicants:** 1. Mubeen s/o Ameer Khan  
2. Mst. Aashi w/o Mubeen  
Through Mr. Asif Choudhary, Advocate

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

**Date of Hearing:** 26.02.2026

**Date of Order:** 26.02.2026

**ORDER**

**Miran Muhammad Shah, J:** Through this Bail Application, the applicants/accused Mubeen s/o Ameer Khan and Mst. Aashi w/o Mubeen seeks post-arrest bail in Crime No.28/2025 for offence under sections 302, 201, 34 P.P.C of P.S, Women Mirpurkhas, after dismissal of their bail plea by learned Additional Sessions Judge-I/M.C.T.C, Mirpurkhas vide order dated 24.11.2025.

2. Learned counsel for the applicants contends that the applicants/accused are innocent and have been falsely implicated in the present case by the police; that the FIR is delayed for about 05 days and no plausible explanation has been given by the complainant for such delay; that there is no direct evidence on record against the applicants/accused and the complainant is also not an eyewitness of the alleged incident; that co-accused Saima, Sabir and Farman Mughal have been granted bail by the learned Additional Sessions Judge-I, Mirpurkhas vide order dated 19.11.2025 as such the applicants/accused are also entitled to the concession of bail on the rule of consistency; that there is no other evidence with the prosecution; therefore, the case falls within the ambit of Section 497(2), Cr.P.C. He prays for the grant of bail to the applicants/accused.

3. Learned D.P.G opposed the grant of bail to applicants/accused on the ground that sufficient material is available on record to connect the applicants/accused with the alleged offence.

4. After hearing the learned counsel for the applicants/accused as well as learned D.P.G, it has transpired that State has failed to substantiate this case despite the fact that they came forward in lodging the FIR and investigated this matter while implicating the mother and father of the victim.

They have also been unable to collect substantiating evidence which implicates the applicants/accused in this case. Only statements under Section 161 Cr.P.C are available in which both the applicants/accused who have admitted their guilt, but no one has come out to actually state that the murder was committed by them. Even otherwise, statements under Section 161 Cr.P.C are inadmissible in evidence and such statements cannot be relied upon.

5. Since no post-mortem was carried out at the time of the incident, the evidence was destroyed, and later on at the time of exhumation of the dead body the evidence was lost and the opinion, resultantly, was in the form that “the cause of death is undetermined”. Such a piece of evidence has no evidentiary value. The plea of alibi has been taken by applicant/accused No.2 that he was in Karachi working in the Railway Department and was not present at the time of the incident; such letter has also been received by the I.O of the case. Since the case has been challaned and sent for trial, the case of the applicants/accused falls within the ambit of further inquiry, wherein the guilt of both the applicants/accused is yet to be determined after recording of evidence. One of the applicants/accused is a female and under Section 497(1) Cr.P.C, bail is to be granted to a female.

6. In such circumstances, I am of the opinion that the applicants/accused have made out their case for further enquiry, therefore, they are granted post-arrest bail, subject to furnishing a solvent surety in the sum of Rs.1,00,000/- (Rupees one lac only) each and PR Bond in the like amount to the satisfaction of Trial Court.

7. The observations made here-in-above are tentative in nature and would not prejudice the case of either party at the trial.

The Crl. Bail Application stands disposed of.

**JUDGE**