

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

**Cr. Bail Application No.S-366 of 2026**

Applicant : Ghulam Shabir @ Babu,  
Through Syed Shafique Ahmed Shah,  
Advocate

Complainant : Through Saeed Ahmed Mirjat,  
Advocate.

The State : Mr. Irfan Ali Talpur,  
Deputy Prosecutor General.

Date of hearing : 11.05.2026.  
Date of order : 11.05.2026.

**ORDER**

**RIAZAT ALI SAHAR, J.-** The applicant, having been declined bail by the learned Trial Court vide impugned order dated 10.03.2026, has filed the present application under Section 497 Cr.P.C., seeking post-arrest bail in Crime No.17 of 2026, registered at Police Station Matiari, in respect of offences punishable under Sections 302, 114, 506/2, 504, 337-H(ii), 147, 148, 149 PPC.

2. The facts of the prosecution case in brief are that complainant Abdul Rehman has alleged that he and his brother Salman had a hostile relationship with the accused Tofique @ Acho, Ashiq, Tufail @ Kaio (all sons of Muhammad Ibrahim), Shehzoor S/o Meer, and Ghulam Shabir @ Babu S/o Lakha Dino, who had previously filed a case against Salman in Matiari Court. The accused repeatedly threatened Salman to pay Rs.25,00,000/-, and despite Salman seeking police protection on 09.12.2025, on 20.01.2026, while attending Matiari Court with his friend Sohail Majeedano, the accused, armed with pistols, attacked Salman at Bilal Memon's shop in Mobile Market around 12:50 p.m. Accused Tofique @ Acho instigated the attack, verbally abused Salman, and fired at his chest, belly, and legs, causing him to fall unconscious and bleed. The other accused fired in the air to create fear and fled on motorcycles. Injured Salman was immediately taken to Matiari Hospital and then referred to Civil Hospital Hyderabad, where he was admitted to ICU but succumbed to his injuries. A postmortem was conducted in the presence of police,

after which the body was handed over to the complainant for funeral rites. Abdul Rehman reported that Tofique @ Acho, instigated by Ghulam Shabir @ Babu, caused the fatal injuries, while the other accused fired in the air and verbally abused his brother. Hence, instant FIR was lodged.

3. Learned Counsel for the applicant/accused contended that there was an unexplained delay of two days in lodging the FIR, which was registered only after prior consultation, despite the police station being located merely one and a half to two kilometers away, thereby raising the possibility of mala fide intentions on the part of the complainant. He further submitted that the FIR does not attribute any specific role to the accused in causing the alleged injuries or commission of the offence, containing only general allegations of instigation. He further contended that there is admitted enmity between the parties, besides absence of any recoveries from the accused during the investigation which need further inquiry. He also pointed out that, although the incident reportedly occurred in a populated area, no independent witnesses have been cited. Lastly, he has prayed for grant of bail to the applicant/accused.

4. In contra, learned Deputy Prosecutor General, assisted by the complainant's Counsel, contended that the applicant/accused has been specifically nominated in the FIR, and that the deceased had earlier approached the SSP Matiari seeking protection, demonstrating a clear threat to his life. He submitted that any alleged delay in lodging the FIR is immaterial, given the seriousness of the incident and the circumstances warranting cautious investigation. He, therefore, prayed for declining bail plea of the applicant.

5. I have heard learned Counsel for the parties and perused the material available on the record.

6. As per FIR, it is alleged that co-accused Tofique @ Acho has committed the murder of deceased Salman by causing him pistol fire shot injuries on his left side of chest, belly and legs and resultantly he died; **whereas, the role of instigation and mere presence is attributed to the present applicant/accused and he is not alleged to have caused any injury either to the deceased or the complainant party during occurrence.** At the most his case falls under the scope of vicarious liability, which is to be determined by the trial Court after recording evidence. At this juncture, I am fortified by

the case of TARIQ AZIZ v. The STATE [2003 SCMR 958], wherein the Hon'ble Supreme Court on the identical and similar circumstances was pleased to grant bail to the accused having been attributed the role of raising lalkara and had not played any active role in the commission of the offence. In these circumstances the case against applicant/accused calls for further inquiry in terms of subsection (2) of Section 497 Cr.P.C. It is further observed that there is an unexplained delay in lodging the FIR, no specific role has been attributed to the applicant in causing the alleged injuries to deceased, and no recoveries were effected during investigation from the present accused. The incident, though serious, reportedly occurred in a populated area without any independent witnesses, and the parties admit to prior enmity, which may have influenced the allegations. At this stage, I feel that prima facie, a case for grant of bail has been made out by the applicant as the only allegation against him is of instigation without any active role, which squarely falls within the ambit of further inquiry.

7. Accordingly and in view of above, the instant bail application vide a short order dated 11.05.2026 was allowed and applicant/accused was admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Hundred Thousand) and P.R Bond in the like amount to the satisfaction of learned trial Court. These are the reasons for the said short order.

8. The observations made herein are tentative in nature and shall not influence the trial Court, which shall decide the case strictly on its own merits.

JUDGE

Shahid