

**ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

Crl. Bail Application No.D-52 of 2026

Date of hearing	Order With Signature Of Judge.
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Before;

Adnan-ul-Karim Memon, J;
Abdul Hamid Bhurgari, J;

Applicants Nabi Bux @ Lakhair Mahar and another, **through**
Mr. Akhtiar Ali Mangi, advocate..

The State Through Mr. Shafi Muhammad Mahar, Deputy
Prosecutor General.

Date of hearing and order: 03-06-2026.

ORDER.

Adnan-ul- Karim Memon, J; The prosecution case, as disclosed in the FIR lodged by complainant Wazeer Ahmed on 14.09.2024, is that on 10.09.2024 at about 7:00 p.m., while the complainant party was returning from purchasing medicines, they were ambushed near village Nachanpur by several armed accused persons, who allegedly opened indiscriminate fire with Kalashnikovs and pistols. As a result, multiple members of the complainant party sustained injuries and thereafter succumbed, while the accused persons allegedly fled from the scene after aerial firing.

Learned counsel for the applicants/accused contended that they are innocent and have been falsely implicated in the case. It was argued that there is a delay of four days in lodging the FIR, which has not been properly explained. It was further contended that the applicants were not specifically nominated in the FIR and no specific role was attributed to them therein. It was also submitted that the identification parade was conducted after the arrest of the accused, and there are material contradictions in the

statements of the prosecution witnesses, rendering the case one of further inquiry. Reliance was placed on reported case law.

Conversely, learned APG for the State opposed the bail application, submitting that the complainant and prosecution witnesses have fully supported the ocular account and have duly identified the accused during the trial proceedings. It was therefore argued that the applicants are not entitled to the concession of bail.

The learned trial court vide order dated 6.11.2025 observed that, after framing of charge, most of the prosecution witnesses, except the Investigating Officer and one witness, have already been examined. Although there is a delay in lodging the FIR, the incident was promptly reported to the police for postmortem proceedings. The record further shows that although the names of the applicants were not initially mentioned in the FIR, they were subsequently introduced, and the complainant, as well as the witnesses, have identified them before the Court. The case being of capital punishment and at an advanced stage of trial, it is expected to be concluded in the near future. In these circumstances, the case calls for a deeper appraisal of evidence at trial, and the applicants/accused were held not entitled to the concession of bail at this stage. Accordingly, the bail application was dismissed.

At the very outset, learned counsel for applicants submits that the case is at the verge of conclusion as 342 Cr.P.C statements of the accused have already been recorded by the trial Court.

In view of the submissions made by learned counsel for the applicants/accused, the learned APG for the State, and the material available on record, it transpires that the prosecution evidence is substantially recorded and the case is at an advanced stage of trial. It is also noted that the statements of the accused under Section 342 Cr.P.C. have already been recorded, indicating that the trial is near its conclusion.

Without expressing any opinion on the merits of the case, and considering that the matter involves capital punishment and the evidence is almost complete, it is appropriate that the trial be concluded expeditiously so that the fate of the accused is finally determined based on complete evidence.

In these circumstances, the trial Court is directed to expedite the proceedings and conclude the trial preferably within a period of three weeks, strictly in accordance with law.

The bail application stands disposed of in the above terms.

JUDGE

JUDGE