

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail. Application No.S-1518 of 2025
[Shabir versus The State]

Applicant by: Mr. Ashique Hussain D. Solangi
advocate
Complainant by: Mr. Fazal Hussain Jamali advocate
State by: Mr. Altaf Hussain Khokhar D.P.G
Date of hearing 01.06.2026
Date of Order 01.06.2026

ORDER

TASNEEM SULTANA, J: Through this Crl. Bail Application, the applicant Shabir seeks post-arrest bail in Crime No.12 of 2024 registered at Police Station Bhan Saeedabad District Jamshoro under Section 302, 324, 147, 149, 504, 337-A(i), 337-F(i) and 114 PPC. His earlier bail application for the same relief being Crl. Bail Application No.91 of 2025 has been declined by the Additional Sessions Judge Sehwan vide order dated 15.05.2025.

2. The facts of the FIR find sufficient mention in memo of bail application, therefore, in view of the case law reported in PLD 2014 SC 458, there is no need to reproduce the same for the sake of brevity and in order to avoid repetition. However, the allegation against the present applicant is that he alongwith co-accused caused injuries to Bakhshal Khan, who could not succumb to injuries.

3. Learned counsel for the applicant contend that applicant is innocent and has been falsely implicated in present crime; that no specific role has been assigned to him; that there is delay of one day in registration of FIR without plausible explanation; that the case has been challaned and accused is no more required for further inquiry. He placed certified copy of Order dated 11.07.2025 passed in Cr. Bail Application No.S-355 of 2025 and states that co-accused has been granted concession of bail by this

Court, therefore, applicant is also entitled for same relief on the rule of consistency.

4. Learned Deputy Prosecutor General, duly assisted by the complainant's counsel, vehemently opposed the bail and states that applicant is nominated in FIR with specific role of causing head injury to deceased Bakhshal Khan which resulted in his death. They further state that delay has sufficiently been explained in the FIR. As far as argument of role of consistency is concerned, they submit that role assigned to co-accused Saleem is altogether different, as such the present applicant cannot claim concession of bail on the rule of consistency.

5. Heard and record perused.

6. It is a well-settled principle of law that at the stage of bail the Court is not to undertake a deeper appreciation of evidence, but only a tentative assessment of the available material to determine whether a prima facie case for grant of bail is made out. Keeping this principle in view, the record has been examined.

7. Perusal of FIR reveals that applicant is nominated in FIR with specific role of causing head injury to Bakhshal Khan which resulted for his death, while the role assigned to co-accused Saleem is altogether different from the present applicant. Therefore, the ground, that co-accused has been granted bail and applicant is entitled for same relief, has no force at all as the case of co-accused persons is on different footings. The delay has sufficiently been explained in FIR. Further the applicant has failed to show any malafide on part of the complainant, as to why he has implicated him in this case. Moreover, the offence alleged against the applicant/accused falls within the ambit of prohibitory clause of Section 497 Cr.P.C.

8. In the case of *Muhammad Siddique vs. Imtiaz Begum and two others* (2002 SCMR 442) it has been held by the Supreme Court of Pakistan that bail cannot be claimed as a right even though the offence does not fall within prohibitory clause of Section 497 Cr.P.C. Relevant observations are reproduced below:

“4.....None can claim bail as of right is nonbailable offences even though the same do not fall under the prohibitory clause of section 497 Cr.P.C.”

9. Above are the reasons of my short Order dated 01.06.2026 whereby this bail application was dismissed.

10. It is, however, clarified that the observations made herein are tentative in nature and shall not prejudice the trial Court in deciding the case on merits.

JUDGE