

# HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail. Application No.S-48 of 2026  
[Ghulam Murtaza and another versus The State]

Applicants by: Mr. Shahzad Siddique advocate  
Complainant by: Mr. Imtiaz Ali Channa advocate  
State by: Mr. Khalid Hussain Lakho D.P.G  
Date of hearing 08.06.2026  
Date of Order 08.06.2026

## **ORDER**

**TASNEEM SULTANA, J:** Through the instant application, applicants Ghulam Murtaza and Abdul Razzaque seek post-arrest bail in Crime No.60 of 2025 registered at Police Station Sehwan under Sections 324, 337-F(i), 337-F(iii), 337-F(vi) and 34 PPC. It appears from the record that after dismissal of their pre-arrest bail application bearing Criminal Bail Application No.606 of 2025 by the learned Additional Sessions Judge-II, Jamshoro at Kotri vide order dated 15.07.2025, both applicants were arrested and remanded to judicial custody. Thereafter, applicant Abdul Razzaque filed Criminal Bail Application No.1014 of 2025 before the learned trial Court seeking post-arrest bail, which was dismissed vide order dated 27.08.2025. However, applicant Ghulam Murtaza, without availing the remedy of post-arrest bail before the learned trial Court after his arrest, has directly approached this Court through the instant application.

2. At the very outset, learned counsel for the complainant raised a preliminary objection regarding maintainability of the instant application qua applicant Ghulam Murtaza on the ground that after his arrest he did not avail the remedy of post-arrest bail before the learned trial Court and has directly approached this Court.

3. When confronted with the aforesaid legal objection, learned counsel for the applicants stated that he does not press the instant bail application to the extent of applicant Ghulam Murtaza and seeks permission to avail the remedy available to him under the law before the learned trial Court. Ordered accordingly.

4. Having dealt with the claim of applicant Ghulam Murtaza, I shall now examine the case of applicant Abdul Razzaque. The brief facts of the prosecution case, relevant for disposal of his claim for post-arrest bail, are

that on 13.05.2024 at about 5:00 p.m., the complainant along with his daughter-in-law Mst. Seema and daughter Mst. Afsana was present near a puncture shop situated on the roadside when the accused persons, armed with firearms, allegedly arrived there. It is alleged that applicant Abdul Razzaque made a straight fire at Mst. Afsana causing her firearm injury, while the remaining accused persons also resorted to firing. Consequently, the present FIR came to be registered.

5. Learned counsel for applicant Abdul Razzaque contended that the applicant is innocent and has falsely been implicated in the present case; that he has been implicated due to admitted enmity between the parties; that there is delay of four hours in lodgment of the FIR; that the accused party had already registered FIR No.54 of 2023 against the complainant side and the present FIR is nothing but a counterblast thereof. He lastly contended that the case of the applicant calls for further inquiry and prayed for grant of post-arrest bail.

6. Conversely, learned Deputy Prosecutor General, duly assisted by learned counsel for the complainant, opposed the grant of bail on the ground that the applicant has specifically been nominated in the FIR with the role of causing firearm injury to complainant's daughter namely Afsana; that the injury attributed to him has been medically confirmed; that the FIR was lodged promptly; and that no mala fide on the part of the complainant has been established. They, therefore, prayed for dismissal of the instant bail application.

7. Heard and record perused.

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

9. It appears that the allegation against applicant Abdul Razzaque is that he caused a firearm injury to the complainant's daughter, namely Afsana. Thus, a specific role has been assigned to him in the FIR. It further appears from the medico-legal examination report that the injury sustained by the injured was declared as "Ghayr-Jaifah-Mutalahimah", punishable under Section 337-F(iii), PPC. Consequently, the ocular account furnished in the FIR prima facie finds support from the medical evidence collected during investigation.

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

*“4.....None can claim bail as of right in non-bailable offences even though the same do not fall under the prohibitory clause of section 497 Cr.P.C.”*

11. Insofar as the argument regarding delay in registration of the FIR is concerned, it appears that after the incident the injured were shifted to the hospital by the complainant and thereafter he rushed to the police station for registration of the FIR within four hours. Therefore, in my view, the delay of four hours has sufficiently been explained.

12. In view of the above facts and circumstances, the applicant has failed to make out a case for further inquiry within the contemplation of Section 497(2), Cr.P.C. Accordingly, this bail application was dismissed by short order dated 08.06.2026 and these are the reasons thereof.

13. 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