

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

1st Criminal Bail Application No.S-173 of 2026

Applicant : Muhammad Sharif son of Abdul Majeed Shah,
Through Mr. Rafique Ahmed K. Abro, Advocate.

Complainant : Syed Ali Shah son of Syed Lutuf Ali Shah
Through Mr. Saddam Hussain Kalhoro,
Advocate.

The State : Through Mr. Sardar Ali Solangi, Deputy
Prosecutor General, Sindh.

Date of hearing : 22.06.2026.

Date of decision : 22.06.2026.

ORDER

RIAZAT ALI SAHAR, J.:- The applicant/accused has sought post-arrest bail by filing the instant application under Section 497 Cr.P.C in Crime No.03/2026 registered at Police Station Saddar, District Jacobabad, for offences punishable under Sections 302, 109, 337-H(ii), 148 and 149 PPC. His earlier bail application was dismissed by the learned Additional Sessions Judge-I, Jacobabad, vide order dated 06.04.2026.

2. Brief facts of the prosecution case, as narrated in the FIR, are that on 08.01.2026, complainant Syed Ali Shah lodged FIR bearing Crime No.03/2026 at Police Station Saddar, District Jacobabad. It is alleged that Suleman Shah and Abdul Majeed Shah, along with others, are cousins of the complainant and a land dispute exists between the parties. On 01.01.2026, accused persons namely (1) Suleman Shah, (2) Muhammad Sharif Shah, (3) Ahmed Shah, (4) Abdul Razzaque Shah, all sons of Abdul Majeed Shah, and (5) Abdul Majeed Shah son of Usman Shah, allegedly came outside their house, knocked at the door and, upon complainant and his brothers coming out, extended threats and demanded handing over of the disputed land, otherwise they would be killed. The complainant party moved an application before the SSP Jacobabad in this regard. It is further alleged that

on 06.01.2026, complainant along with his brothers namely Syed Peeral Shah, Syed Misri Shah and Syed Rajjan Shah went towards Bypass for their work in Mehran Car bearing No.BBL-746. The complainant was driving the vehicle, whereas Peeral Shah was sitting on the front seat. At about 12:00 noon, when they reached near New Wah on the road leading from Pahlwan Faqeer to Bypass, six persons riding three motorcycles allegedly came from behind, crossed their vehicle and parked their motorcycles in front of them. They allegedly came down, took out pistols and pointed the same towards the complainant party. The accused persons were identified as (1) Suleman Shah, (2) Muhammad Sharif Shah, (3) Ahmed Shah, (4) Abdul Razzaque Shah, (5) Abdul Majeed Shah, and two unidentified persons. It is alleged that accused Suleman Shah stated that as the complainant party had refused to hand over the land, they would not spare Peeral Shah. Thereafter, accused Suleman Shah allegedly made direct fire upon Peeral Shah with his pistol, which hit him on the left temporal region of his head. Subsequently, the accused persons allegedly resorted to aerial firing and fled away from the spot. Due to fear and being empty handed, the complainant did not chase them. Peeral Shah sustained firearm injury and succumbed to the same. The dead body was shifted to Civil Hospital Jacobabad, where postmortem examination was conducted, and thereafter FIR was lodged.

3. Learned counsel for the applicant/accused contends that the applicant has been falsely implicated due to previous enmity and land dispute. He submits that no specific overt act has been attributed to the applicant and only his presence has been shown in the FIR. He further argues that the FIR was lodged with delay of two days; therefore, the applicant is entitled to the concession of bail.

4. Conversely, learned Deputy Prosecutor General assisted by learned counsel for the complainant has opposed the bail application and submits that the applicant is nominated in the FIR with specific role. It is further contended that the applicant is a habitual offender and was previously booked in FIR No.75/2016 registered at Police Station Mouladad, District Jacobabad, for offences punishable under Sections 302, 324, 109, 148, 149 and

337-H(ii) PPC, which was challaned before the trial Court. During pendency of the said trial, compromise was effected between the parties and the applicant was acquitted. It is further submitted that the applicant was also booked in FIR No.28/2014 for offences punishable under Sections 337-A(i), 337-F(i), 114, 506/2, 504, 147, 148 and 149 PPC, and he was subsequently acquitted on the basis of compromise.

5. Heard learned counsel for the parties and perused the record.

6. *Prima facie*, the applicant/accused is nominated in the FIR with specific allegation that he was armed with a pistol and fired upon deceased Peeral Shah, resulting in his death. During investigation, the alleged weapon of offence was also recovered from him on 19.01.2026. The previous criminal history of the applicant, though ended in acquittal due to compromise, reflects his involvement in criminal proceedings. The recovery of weapon coupled with the nature of accusation and material available on record does not make out a case for grant of bail at this stage.

7. In view of the above discussion, the instant bail application is dismissed. Since the challan has already been submitted before the trial Court, the learned trial Court is directed to expedite the proceedings and conclude the trial within a period of four months under intimation to this Court.

JUDGE

Tariq