

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Ist Criminal Bail Application No. S-650 of 2025
[Riaz Mangi @ Riaz Ahmed & Others v. The State]

Applicants: Through Mr. Ahsan Ahmed Memon, Advocate

The State: Through Mr. Aitbar Ali Bullo, DPG

Complainant: Through Mr. Atta Hussain Qadri, Advocate

Date of Hearing: 08.06.2026

Date of Order: 08.06.2026

ORDER

RIAZAT ALI SAHAR, J: - The applicants, namely (1) Riaz Mangi @ Riaz Ahmed son of Muhammad Salih, (2) Inayatullah @ Inayat Ali son of Allah Dino, and (3) Mst. Saima wife of Irshad Ahmed, have sought the extraordinary relief of pre-arrest bail in Crime No.174 of 2025, registered at Police Station New Foujdari, for offences punishable under Sections 302, 337-J and 34, P.P.C.

2. The record reflects that the applicants had initially approached the Court of learned Sessions Judge, Shikarpur, through a pre-arrest bail application, which was subsequently entrusted to the learned 1st Additional Sessions Judge (MCTC), Shikarpur. Interim pre-arrest bail was granted to them; however, after hearing the parties, the said relief was recalled and their application was dismissed vide order dated 16.09.2025. Hence, the instant application.

3. The prosecution case, as set out in the F.I.R., is that the applicants, acting in furtherance of their common intention, committed the murder of deceased Irshad, who happened to be the husband of applicant Mst. Saima, by administering poison to him.

4. Learned counsel for the applicants contended that the F.I.R. was lodged after an unexplained delay of nearly two months, which casts serious doubt upon the veracity of the prosecution story. He further argued that the occurrence is admittedly an unseen incident and there is no ocular account or other direct evidence connecting the applicants with the alleged commission of

the offence. According to him, the deceased was facing acute financial hardship, economic instability and domestic distress, owing to which he was living under severe mental stress and ultimately committed suicide. It was further argued that the applicants have falsely been implicated due to ulterior motives and the case, at the very least, falls within the ambit of further inquiry.

5. Conversely, learned Deputy Prosecutor General, assisted by learned counsel for the complainant, vehemently opposed the grant of pre-arrest bail. They submitted that the offence alleged against the applicants is of the gravest nature, involving the murder of a human being through poisoning, which carries severe punishment under the law. Therefore, according to the learned law officers, the applicants do not deserve the concession of pre-arrest bail.

6. I have heard the learned counsel for the parties and examined the available record with their able assistance.

7. A tentative assessment of the material available on record reveals that the F.I.R. was lodged after an inordinate delay of approximately two months, for which no satisfactory explanation has been furnished by the complainant. Such delay, though not by itself conclusive, nevertheless constitutes a circumstance requiring careful consideration at the bail stage. Reliance is placed on the case of *Khial Muhammad v. The State (2024 SCMR 1490)*.

8. It is an admitted position that the alleged occurrence was not witnessed by any person, and the prosecution case rests entirely upon circumstantial evidence. The record further reveals that, upon completion of the investigation, the Investigating Officer found no incriminating material against the applicants and consequently exonerated them by submitting a report under Section 173, Cr.P.C., recommending disposal of the case in "C-Class". However, the learned Magistrate, while exercising powers under Section 190, Cr.P.C., disagreed with the conclusion reached by the Investigating Officer, took cognizance of the offence, and subsequently transmitted the case to the Court of Sessions for trial. Thus, the applicants were sent to face trial not on the basis of any direct ocular account, but despite their exoneration during the investigative process and solely on the basis of circumstances requiring strict scrutiny and independent corroboration.

9. The statements of witnesses Arbab and Misree, recorded under Section 161, Cr.P.C., prima facie indicate that the deceased had been passing through severe financial difficulties and was living under considerable mental and economic strain. According to these witnesses, the deceased frequently expressed disappointment with life and had, on several occasions, exhibited a tendency towards self-destruction.

10. Undoubtedly, the post-mortem examination as well as the report of the Chemical Examiner indicates that the death of the deceased occurred as a consequence of poisoning, and the presence of Zinc Phosphide poison was detected in the viscera. However, the mere establishment of the cause of death does not, by itself, advance the prosecution case unless it is further demonstrated, through reliable and legally admissible evidence, as to who administered the poison to the deceased. At present, the prosecution has failed to bring on record any direct, independent, or confidence-inspiring material connecting the applicants with the alleged administration of poison. There is no evidence whatsoever indicating when, where, by whom, or in what manner the poison was allegedly administered. The foundational facts constituting the very substratum of the prosecution case, namely the precise date, time, place, and mode of administration of the poison, remain shrouded in uncertainty and are conspicuously absent from the record. In the absence of such essential particulars, the prosecution case rests merely upon conjectures and assumptions rather than on a complete and unbroken chain of circumstances. It is settled law that in cases founded exclusively upon circumstantial evidence, every incriminating circumstance must be firmly established and all such circumstances must form a continuous chain leading to no hypothesis other than the guilt of the accused. Where the circumstances relied upon leave room for doubt or fail to establish the identity of the perpetrator, the accused is entitled to the benefit of such doubt as a matter of right and not of grace.

11. At this stage, there appears to be no unimpeachable evidence reasonably connecting the applicants with the commission of the alleged offence. Whether the death was homicidal or suicidal, and whether the applicants had any role whatsoever therein, are questions which require deeper appreciation of evidence and can only be determined after recording evidence during trial. Therefore, the possibility of false implication, particularly in view of the circumstances discussed above, cannot be ruled out altogether at this tentative stage.

12. It is a settled principle of criminal jurisprudence that, while considering a bail application, the Court is required to undertake only a tentative assessment of the material available on record and must refrain from recording definitive findings which may prejudice either side at the trial. At the bail stage, the Court is not expected to conduct a deeper appreciation of evidence or determine the guilt or innocence of the accused, as such matters fall exclusively within the domain of the trial Court after recording of evidence. It is equally well-settled that the mere gravity, seriousness, or heinous nature of an alleged offence cannot, by itself, furnish a valid ground for refusal of bail unless the prosecution succeeds in bringing on record reasonable grounds for believing that the accused is connected with the commission of such offence. The severity of the accusation and the quality of evidence supporting it are two distinct considerations and must not be conflated. Where the evidence available on record does not reasonably connect the accused with the alleged crime, the seriousness of the offence loses much of its significance for the purposes of bail. The superior Courts have consistently held that deprivation of liberty cannot be justified solely on the basis of the nature of the accusation in the absence of credible and incriminating material linking the accused with the occurrence. Reliance in this regard may be placed upon *Muhammad Ali Jagirani v. Province of Sindh (2026 MLD 599)*, wherein it was observed that the gravity of the offence, howsoever serious, cannot override the fundamental requirement of the existence of reasonable grounds connecting the accused with the commission thereof. Consequently, where such connection is doubtful, tentative, or based upon circumstances requiring further inquiry, the accused becomes entitled to the concession of bail as a matter of law.

13. The superior Courts have consistently emphasized that the liberty of a citizen cannot be curtailed merely on account of the severity of the accusation where the evidence connecting the accused with the offence remains doubtful, deficient or requiring further probe. The concept of bail is founded upon the presumption of innocence and serves to secure the attendance of an accused during trial rather than to inflict punishment before conviction. Consequently, while dealing with bail matters, Courts are expected to adopt a judicious, balanced and evidence-oriented approach rather than one influenced solely by the nature of the allegation. Reliance is placed upon

Muhammad Riaz v. Khurram Shehzad & another [2024 SCMR 51], Asghar Virk v. National Accountability Bureau & others 2020 PCrLJ 1648 Lahore.

14. For the foregoing reasons, I am of the tentative view that the case of the applicants falls within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C. Accordingly, the instant application was allowed vide short order dated 08.06.2026, and the interim pre-arrest bail already granted to the applicants was confirmed on the same terms and conditions.

15. Needless to observe that the observations made herein are purely tentative in nature and shall not influence the learned trial Court while deciding the case on its own merits.

Above are the reasons of my short order dated 08.06.2026.

Let this order be transmitted to learned Sessions Judge and 1st Additional Sessions Judge (MCTC), Shikarpur for future guidelines.

JUDGE

M.Yousuf Panhwar/**