

THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Ist. Criminal Bail Application No.S-121 of 2026

Applicant: Laique son of Pir Bux Jafferi,  
Through Mr. Ghulam Mohi-ud-Durani, Advocate.

Complainant: Shah Dost son of Muhib Ali Jafferi,  
Through Mr. Muhammad Afzal Jagirani, Advocate.

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

Date of hearing: 22.06.2026

Date of Order: 22.06.2026

ORDER

**RIAZAT ALI SAHAR, J.-** Through the instant Criminal Bail Application, applicant/accused Liaque son of Pir Bux Jafferi seeks post-arrest bail in Crime No.16/2024 registered at Police Station Amrot Sharif, District Shikarpur, for offences punishable under Sections 452, 302, 324, 114, 148, 149, and 337-H(ii), PPC. Prior to this, the applicant moved a similar bail application, which was declined by learned Vth Additional Sessions Judge, Shikarpur, vide order dated 11.12.2025; hence, the present application.

2. Brief facts of the prosecution case, as narrated in the FIR, are that on 22.09.2024, complainant Shah Dost, along with his father Muhib Ali aged about 65 years, sister-in-law Mst. Nooran Khatoon, niece baby Fatima aged about 4/5 years, nephew Ali Jan, and other family members, after taking dinner, went to sleep in their house. On 23.09.2024 at about 03:00 a.m., when solar lights were illuminating the premises, they allegedly saw and identified accused persons, namely Javed armed with K.K., Abdul Hameed armed with pistol, Mawali alias Naimatullah armed with K.K., Baigo alias Baig Gul armed with K.K., Laique armed with pistol, Soomar, Qaim armed with pistols, and Bajar Hussain armed with pistols, entering the house.

3. It is further alleged that co-accused Mawali alias Naimatullah instigated the other accused, whereupon accused Javed Jafferi fired directly from his K.K upon Muhib Ali, causing injuries to him. Accused Abdul Hameed allegedly fired upon minor Fatima, whereas accused Soomar allegedly fired upon Mst. Nooran, causing injuries to her. Thereafter, the accused persons allegedly escaped after making aerial firing. The complainant found Muhib Ali and minor Fatima dead, while Mst. Nooran was seriously injured. The dead bodies and injured were shifted to Police Station, thereafter letters were obtained and they were taken to Civil Hospital Shikarpur, where postmortem of the deceased was conducted and the injured was referred to Sukkur Hospital. Subsequently, the FIR was lodged on 24.09.2024.

4. Learned counsel for the applicant contends that the applicant has falsely been implicated due to previous enmity between the parties. He submits that there is an unexplained delay of one day in lodging of the FIR. He further submits that although the applicant has been shown armed with a pistol, no specific overt act has been attributed to him and only his presence at the place of occurrence has been alleged. According to learned counsel, mere presence without assigning any specific role brings the case of the applicant within the ambit of further inquiry. In support of his contentions, reliance has been placed upon the cases of Attaullah and 3 others v. The State and another (1999 SCMR 1320) and Faraz Akram v. The State (1999 SCMR 1360). He lastly submits that the applicant is entitled to the concession of bail.

5. Conversely, learned Deputy Prosecutor General, assisted by learned counsel for the complainant, vehemently opposed the grant of bail on the ground that the applicant is nominated in the FIR and was present at the scene of occurrence while armed with a pistol. It is argued that in the unfortunate occurrence, two persons lost their lives, namely Muhib Ali aged about 65 years and minor Fatima aged about 4/5 years, while Mst. Nooran sustained serious injuries; therefore, the applicant does not deserve the concession of bail.

6. Heard learned counsel for the applicant, learned D.P.G., and learned counsel for the complainant, and perused the available record with their assistance.

7. There is no denial of the fact that, in the unfortunate incident, two persons lost their lives, namely Muhib Ali aged about 65 years and minor Fatima aged about 4/5 years, whereas Mst. Nooran sustained serious injuries. However, tentative assessment of the record reveals that the present applicant Liaque has been attributed only his presence at the place of occurrence while allegedly armed with a pistol. No specific role or overt act causing injury to any of the deceased or injured has been assigned to him in the FIR. At the bail stage, the Court is required to make only a tentative assessment and deeper appreciation of evidence is not permissible, as the same falls within the domain of the learned trial Court after recording of evidence.

8. It is a settled principle of law that every accused is presumed to be innocent until proven guilty through due process of law. The prosecution cannot claim benefit merely on the basis of allegations unless the material available on record establishes a direct nexus of the accused with the alleged offence. In the present circumstances, where no specific role has been assigned to the applicant, the case against him requires further inquiry within the meaning of sub-section (2) of Section 497, Cr.P.C.

9. Consequently, the instant bail application was allowed vide short order dated 22.06.2026. These are the reasons in support thereof.

10. Needless to mention that the observations made hereinabove are tentative in nature and shall not prejudice the case of either party during trial.

**Judge**

M Yousuf Panhwar/\*\*