

ORDER SHEET
THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANO

Ist. CrI. Bail Appln. No.-731 of 2025.

Date	Order with signature of Judge
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1. For orders on office objection 'A'.
2. For hearing of bail application.

18.06.2026

Mr. Ahmed Bux Abro, advocate for the applicant.

Mr. Ghulam Rasool M. Narejo, advocate for the complainant.

Mr. Sardar Ali Solangi, D.P.G.

ORDER.

RIAZAT ALI SAHAR,J- Through the instant bail application, applicant Imdad Ali son of Abdul Ghani Junejo seeks his release on post-arrest bail in Crime No.97 of 2022 registered at Police Station Naudero for offences punishable under Sections 302 and 34, PPC, after rejection of his bail application by the learned Additional Sessions Judge-II, Larkana, vide order dated 31.05.2025.

2. The brief facts of the prosecution case, as narrated in the FIR, are that on 09.11.2022 the complainant Muhammad Hashim Katpar lodged FIR stating therein that on 07.11.2022 he, along with his brothers Abuzar and Sharjeel, left for their duty towards Larkana on a motorcycle. When they reached near Larkana Link Road, Saidudero turn, they found the road blocked from Larkana side. The complainant, therefore, took another route through Saidudero Link Road. At some distance, they saw four persons riding on two motorcycles, who crossed them and directed them to stop. The complainant alighted from the motorcycle, whereupon two accused persons pointed pistols at them and fired shots upon his brothers with an intention to kill them. Resultantly, his brother Sharjeel fell down, and thereafter two unidentified persons also made firing upon him. Subsequently, all the accused persons fled away from the scene along with their motorcycles while stating that there was some outstanding accountability against Sharjeel, due to which he had been killed. The

complainant found that Sharjeel had sustained multiple firearm injuries and had died at the spot, whereafter the FIR was lodged.

3. Learned Counsel for the applicant contends that the name of the applicant does not find place in the FIR; that the FIR was lodged with a delay of two days for which no plausible explanation has been furnished by the prosecution; and that the name of the applicant/accused was subsequently introduced through the further statement of the complainant recorded under Section 161, Cr.P.C., which has no legal value. He, therefore, prays that the applicant may be admitted to bail.

4. Conversely, learned D.P.G. appearing for the State, assisted by learned Counsel for the complainant, has vehemently opposed the bail application on the ground that the complainant and PWs have fully supported the prosecution case and have subsequently identified the present applicant/accused. It is further submitted that the further statement of the complainant and statements of PWs under Section 161, Cr.P.C. have already been recorded by the police and that the pistol has also been recovered from the applicant; therefore, he is not entitled to the concession of bail.

5. I have heard the learned Counsel for the applicant, learned D.P.G. for the State and learned Counsel for the complainant, and have carefully examined the material available on record with their assistance.

6. It is an admitted position that one young person namely Sharjeel, aged about 27/28 years, was brutally murdered. So far as the contention regarding non-mentioning of the applicant's name in the FIR is concerned, the record reflects that the applicant was initially shown as an unknown accused, with a specific role of causing firearm injury to the deceased, as the complainant and witnesses were not acquainted with him at the time of occurrence. Subsequently, the applicant was identified by the complainant and PWs, and their further statements were recorded under Section 161, Cr.P.C. Furthermore, the alleged weapon has also been recovered from the applicant, which provides corroboration to the prosecution version at this stage.

7. As regards the contention of learned Counsel for the applicant regarding delay of two days in registration of the FIR, the same has been explained by the complainant that after the occurrence the dead body of Sharjeel was shifted to the hospital. Such conduct, in the circumstances of a murder incident, cannot be considered unusual, as the family members generally first attend to the injured/deceased and complete necessary formalities before approaching the police station for registration of the case.

8. In view of the above circumstances, the case of the applicant does not fall within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C. and he is not entitled to the concession of bail.

9. Consequently, the instant bail application, being devoid of merit, is dismissed. However, the learned trial Court is directed to make all possible efforts to conclude the trial expeditiously, preferably within a period of three months.

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

Judge

M.Yousuf Panhwar/**