

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-281 of 2026

Applicant: Ghulam Qadir son of Fateh Khan.
Through Mr. Zulfiqar Ali Laghari, Advocate.

Respondent: The State
Through Mr. Neel Parkash, D.P.G.

Date of Hearing: 14.07.2026.

Date of Order: 14.07.2026.

ORDER

Khalid Hussain Shahani, J.:- Through the instant application, the applicant Ghulam Qadir seeks confirmation of the interim pre-arrest bail granted to him in Crime No. 15 of 2026, registered at Police Station Jhudo, for offences punishable under Sections 399, 402, 324 and 353, P.P.C., his identical prayer having earlier met refusal at the hands of the learned Additional Sessions Judge-I, Mirpurkhas, vide order dated 18.05.2026.

2. The prosecution narrative, as unfolded through F.I.R. No. 15/2026 lodged on 16.02.2026 at 0330 hours, discloses that the complainant, an ASI accompanied by subordinate police officials, was engaged in routine patrolling when, upon receipt of spy information concerning the presence of armed persons poised to commit a cognizable offence near Sunji Mori, the police party proceeded to raid the pointed location. Upon their arrival, five accused Ghulam Qadir, Ali Bux, Altaf, Sodho and Ali Raza allegedly opened indiscriminate fire upon the police party with murderous intent. The police, acting in self-defence, retaliated, during which the present applicant and co-accused Ali Bux effected their escape under cover of aerial firing, while the remaining three accused were apprehended at the scene. A 30-bore pistol with two live rounds, two hatchets, and a black CD-70 motorcycle

were purportedly recovered and secured through the requisite mashirnama, following which the complainant returned to the police station and set the law into motion by lodging the present F.I.R.

3. Learned counsel for the applicant has argued with considerable emphasis that his client stands falsely implicated owing to mala fide on the part of the police. He submits that the alleged identification of the accused persons in the headlights of the police mobile, conducted under the cover of darkness, is inherently precarious and demands closer judicial scrutiny. He further contends that the applicant's name surfaced solely through the extra-judicial disclosure of a co-accused already in custody, a species of evidence which, in the absence of independent corroboration, carries no legal weight whatsoever. He points out that despite the grave allegation of firing with intent to kill, neither has any police official sustained the slightest injury nor has the police mobile suffered any damage, thereby denuding the firing allegation of any real substance. He adds that the entire edifice of the prosecution case is erected upon the testimony of police officials alone, unsupported by a single independent witness, notwithstanding that the incident is said to have occurred on a public thoroughfare. He further submits that the applicant has extended full cooperation to the investigation, that no incriminating article has been recovered from his possession, that the investigative process stands concluded with submission of the report under Section 173, Cr.P.C., and that the applicant has remained a consistent and regular attendant before the trial Court. He lastly invokes the rule of parity, submitting that co-accused of similar standing have already secured the concession of bail from the trial Court, and prays accordingly for confirmation of the interim pre-arrest bail already extended to his client.

4. Learned Deputy Prosecutor General, appearing for the State, has resisted the prayer with equal vigour.

5. I have given anxious consideration to the rival contentions advanced by learned counsel for the applicant and the learned D.P.G., and have, with their able assistance, examined the material placed on the record.

6. The prosecution's assertion that the accused were identified in the headlights of the police mobile during a nocturnal raid is not one that can be accepted at face value; whether such identification was, in the given circumstances, humanly possible is a matter demanding deeper evidentiary appreciation, and can be authoritatively resolved only after the recording of evidence at trial. At this preliminary stage, the point squarely falls within the ambit of "further inquiry" contemplated under Section 497(2), Cr.P.C.

7. It is equally significant that the applicant's implication rests entirely upon the disclosure of a co-accused already under arrest. It is a settled tenet of criminal jurisprudence that such disclosure, unaccompanied by independent and legally admissible corroboration, possesses no substantive evidentiary value against another accused. Nothing on the record suggests that this disclosure led to any recovery or other incriminating circumstance connecting the applicant to the alleged offence.

8. Of equal weight is the circumstance that, notwithstanding the grave allegation of firing with murderous intent, not a single member of the police party sustained even a scratch, nor is it alleged that the police vehicle suffered any damage. Without venturing into the merits, this glaring absence of consequential injury or damage constitutes a matter meriting closer examination at trial.

9. Adding further to the fragility of the prosecution case is the fact that it rests wholly upon the ipse dixit of police officials, with no independent witness from the locality associated with the raid, arrest, or recovery, this despite the incident having allegedly unfolded on a public road. The evidentiary worth of such uncorroborated official testimony must necessarily await scrutiny by the trial Court.

10. It further emerges from the record that the applicant has rendered full cooperation to the investigation, that no incriminating article has been recovered from his possession, that the investigation stands concluded, and that the report under Section 173, Cr.P.C., has already been submitted. His custodial interrogation is, therefore, no longer warranted. Nor has it been shown that the applicant misused

the concession of interim pre-arrest bail, or sought in any manner to hamper the investigation or influence prosecution witnesses during the currency of the interim relief.

11. Having regard to the cumulative effect of the foregoing circumstances, and mindful of the settled principle that the extraordinary remedy of pre-arrest bail exists precisely to shield an innocent person from humiliation and harassment at the hands of the police where mala fide or ulterior design is prima facie discernible, I am persuaded, on a tentative assessment, that the applicant has made out a case for confirmation of the interim pre-arrest bail. The interim pre-arrest bail earlier granted to the applicant is accordingly confirmed on the same terms and conditions.

12. It is clarified that the observations made herein are tentative in nature and shall not be treated as an expression of opinion prejudicial to either party at the trial.

The application stands disposed of accordingly.

JUDGE