

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-283 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.:- Applicant Ghulam Qadir, seeks confirmation of the interim pre-arrest bail earlier extended to him in a case bearing Crime No. 144 of 2025, registered at Police Station Tando Jan Muhammad for offences under Sections 324, 353, 147, 149, P.P.C., his identical prayer having been declined by the learned Additional Sessions Judge-I, Mirpurkhas, vide order dated 18.05.2026.

2. The prosecution narrative, as unfolded in F.I.R. No. 144/2025 lodged on 31.10.2025 at 0700 hours, is that on the same day, at about 0600 hours, the complainant, an S.I.P., accompanied by subordinate police officials, set out from the police station to execute non-bailable warrants against accused Mohsin son of Mehar Ali Chandio and to apprehend certain proclaimed offenders. During patrol, the police party reached the Katchi Patri of Village Bachal Chandio, Deh No. 263, Taluka Digri, where the applicant, along with Mohsin, Khair Muhammad alias Khairo Chandio, Nadir Chandio, and Fateh Khan Chandio, was allegedly found armed with pistols. On sighting the police, Fateh Khan Chandio is said to have exhorted his companions to open fire, whereupon all the accused allegedly discharged their weapons at the police party with intent to kill. The police claim to have retaliated in self-defence, yet the accused managed to escape,

following which the present F.I.R. was registered.

3. Learned counsel for the applicant submits that the implication is actuated by mala fide, and that the prosecution's version of an armed exchange collapses under its own weight: not a single police official sustained injury, nor was the police mobile damaged, rendering the allegation of firing inherently improbable. He further contends that the prosecution rests exclusively on police testimony, unfortified by any independent witness from the locality. He adds that the applicant has cooperated throughout the investigation, from which no incriminating article has been recovered, and that co-accused Fateh Khan has already secured bail from this Court, thereby attracting the rule of consistency. He submits further that the investigation stands concluded, the report under Section 173, Cr.P.C. has been submitted, and the applicant has remained a consistent attendee before the trial Court, negating any apprehension of abscondence. On this composite premise, he prays for confirmation of the interim pre-arrest bail.

4. Learned Deputy Prosecutor General has resisted the application with equal insistence.

5. I have heard learned counsel for the applicant and learned D.P.G. at length and have examined the material on record with their assistance.

6. The prosecution's own case is that the accused opened fire with intent to kill, yet, tellingly, no police official suffered so much as a scratch, nor was any damage inflicted upon the police mobile. This glaring incongruity between the gravity of the allegation and the complete absence of consequential harm casts a visible shadow of doubt over the prosecution version, an aspect that, without trespassing upon the merits, plainly calls for closer scrutiny at trial.

7. Compounding this doubt is the fact that the entire edifice of the prosecution case is erected solely upon police testimony, unsupported by a single independent witness from the vicinity. The evidentiary weight of such uncorroborated official assertion is itself a matter reserved for determination by the trial Court upon recording of

evidence, but at this stage it sufficiently tempers the prosecution's case.

8. It is significant that co-accused Fateh Khan, cast in an identical, if not more culpable, role as the alleged instigator has already been enlarged on bail by this Court, thereby squarely attracting the rule of consistency. It is not disputed that the applicant joined the investigation without demur, that no incriminating article was recovered from him, and that the investigation has since culminated in a report under Section 173, Cr.P.C. These circumstances collectively dissolve any residual necessity for his custodial interrogation. Nor is there anything on record to suggest that the applicant, during the currency of interim relief, misused the concession or attempted to obstruct the investigation or influence prosecution witnesses.

9. Weighing these circumstances cumulatively, and mindful of the settled principle that pre-arrest bail exists to shield the citizen from humiliation and harassment where mala fide is prima facie discernible, I am persuaded, on a tentative appraisal, that the applicant has made out a case for confirmation of bail. The interim pre-arrest bail already granted is accordingly confirmed on the same terms and conditions.

10. It is clarified that the observations herein are strictly tentative and shall not prejudice either party at trial.

The application is disposed of in the above terms.

JUDGE