

THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail App. No. S – 402 of 2026

(Muhammad Nawaz Langah v. The State)

Date of hearing : 17.08.2026

Date of decision : 17.08.2026

Mr. Nisar Ahmed Soomro, Advocate for applicant (*present on interim pre-arrest bail*).

Mr. Mohammad Panjal Ghanghro, Advocate for complainant.

Mr. Aftab Ahmed Shar, Additional Prosecutor General.

ORDER

ARBAB ALI HAKRO, J. – Through this criminal bail application, applicant/accused Muhammad Nawaz son of Manzoor Ahmed Langah seeks confirmation of pre-arrest bail in Crime No.43 of 2026, registered at Police Station Babarloi, District Khairpur, for offences punishable under Sections 324, 452 and 34, PPC. His earlier application was declined by learned Additional Sessions Judge-I/MCTC, Khairpur, vide order dated 30.04.2026, whereafter this Court admitted him to interim pre-arrest bail vide order dated 06.05.2026.

2. Learned Counsel for the applicant contended that he had been falsely implicated owing to a property dispute and that co-accused Yasir Ali and Aamir Ali had already been granted pre-arrest bail by the learned Additional Sessions Judge-I/MCTC, Khairpur, entitling him to the benefit of consistency. He further relied on the delay of about two days in registration of the FIR, the absence of independent witnesses, and the fact that the firearm injury was sustained on the calf of the right leg, a non-vital part, and was classified as ghayr-jaifah mutalahimah. It was argued that the injury did not attract the prohibitory clause of Section 497, Cr.P.C., and that the case called for further inquiry under Section 497(2), Cr.P.C. Reliance was placed on *Shahid Mehmood and another v. The State (2009 MLD 164)*, *Ali Shah and another v. The State (2020 P Cr. L J Note 109)*, *Muhammad Idrees v. The State and another (2021 MLD 877)* and *Wahid Khan and another v. The State (2025 MLD 938)*.

3. Learned Additional Prosecutor General, assisted by learned Counsel for the complainant, opposed the application. He submitted that the applicant is specifically nominated in the FIR and that a direct role in firing at the complainant has been attributed to him. The complainant

herself is the injured witness. The prosecution version also alleges a motive arising from her demand for her deceased husband's share in the property. Regarding delay, it was pointed out that the police letter for medical treatment was received at 0215 hours on 19.04.2026, shortly after the occurrence, and the complainant was thereafter taken for medical treatment. The medical evidence supports the firearm injury, and the challan has already been submitted. It was further submitted that the co-accused were granted bail because the allegations against them were general, whereas the present applicant has a specific overt role. Reliance was placed upon *Sheqab Muhammad v. The State and others* (2020 SCMR 1486) and *Haji Shah Behram v. The State and others* (2021 SCMR 1983).

4. I have heard learned Counsel for the parties and examined the available record.

5. The prosecution case, as set out in the FIR, is that the complainant, Mst. Farhana, is the widow of the late Aakash Ahmed and has two sons and a daughter. After her husband's death, she began residing with her children in her father's house. She allegedly demanded her deceased husband's share of the property from his brother, the present applicant, and others. According to the prosecution, the applicant and others became annoyed and threatened her in connection with this demand. On the night of 18/19.04.2026 at about 01:00 a.m., the complainant, her brother Bisharat Ahmed, and her uncle Ameerullah were sleeping in the courtyard of their house when, upon hearing a knock, they allegedly found four armed persons inside the premises. The applicant allegedly referred to the complainant's demand for a share of the property, threatened to kill her, and fired a pistol at her. The bullet struck the calf of her right leg. On her cries, the accused allegedly fled from the place of occurrence.

6. The applicant has thus been assigned a specific and direct role in firing at the complainant, who is herself the injured witness. The medical material supports the factum of a firearm injury. At the bail stage, the account of an injured witness carries evidentiary weight, and its ultimate credibility is a matter for trial.

7. The contention regarding delay in registration of the FIR has also been considered. The occurrence is stated to have taken place at about 0100 hours on 19.04.2026, whereas the FIR was registered on 21.04.2026 at about 2000 hours. However, the record does not support the contention that the complainant remained inactive throughout this

period. The police letter issued by the SIP, Police Station Babarloi, for medical treatment was received at 0215 hours on 19.04.2026, i.e. approximately one hour and fifteen minutes after the alleged occurrence. The complainant's version is that immediately after sustaining the firearm injury, she, along with her brother and uncle, approached the police, obtained the requisite letter and proceeded to RHC Garhi Mori for first aid, whereafter she was referred to Civil Hospital Khairpur for further treatment. Thus, although the formal FIR was lodged later, the record demonstrates that the complainant approached the police shortly after the occurrence. At this stage, the delay cannot be treated as so unexplained as to establish deliberation, consultation or mala fide. Its evidentiary effect shall be determined by the learned trial Court after recording evidence. A similarly explained delay was held not to detract from the prosecution case in the case of **Ghulam Qadir**¹, where delay in formal registration of the FIR, explained by contemporaneous police or medical record, was not treated as fatal at the bail stage.

8. The principal submission that the injury was to a non-vital part also does not, in the circumstances of the present case, constitute a ground for further inquiry. The allegation under Section 324, PPC is that the applicant deliberately fired a pistol at the complainant with the intention to commit her murder. The fact that the bullet struck her calf rather than a vital organ cannot, by itself, determine the question of intention or knowledge. In ***Sheqab Muhammad*** (supra), the Supreme Court declined to accept that a firearm injury on a non-vital part, by itself, takes a case under Section 324, PPC outside the prohibitory clause. An in-depth appreciation of the evidence regarding intention is not permissible at the bail stage. In the present case, the specific allegation of firing, the alleged threat immediately preceding it, and the medical corroboration prima facie indicate a deliberate firearm assault. The classification of the injury as *ghayr-jaifah mutalahimah* may have relevance to the hurt caused, but does not by itself efface the allegation under Section 324, PPC. A similar view was taken in the case of **Tahir Hassan Hashmi**², where bail was declined notwithstanding a non-vital injury because a specific role had been ascribed to the accused in the FIR, and was reiterated in the case of **Bilal Khan**³.

9. The property dispute relied upon by the applicant also does not establish false implication at this stage. Enmity may furnish a motive for false implication, but it may equally constitute a motive for the commission

¹ Ghulam Qadir v. The State (2022 SCMR 750)

² Tahir Hassan Hashmi v. The State (1990 SCMR 326)

³ Bilal Khan v. The State (2020 SCMR 937)

of the offence. Here, the alleged property dispute itself forms part of the prosecution motive, and the applicant is alleged to have referred to the complainant's demand immediately before firing at her. Whether the dispute resulted in false implication is a matter for trial.

10. Likewise, the absence of independent witnesses is not, at the bail stage, sufficient to discard the prosecution case. The alleged incident occurred inside the complainant's house at about 01:00 a.m., and the witnesses cited by the prosecution are said to have been present there. Their relationship with the complainant and the weight to be attached to their testimony are matters for the learned trial Court.

11. The plea of consistency arising from the bail granted to Yasir Ali and Aamir Ali is also not available to the applicant. Learned trial Court granted them bail after observing that the allegations against them were general in nature. In contrast, the present applicant is specifically nominated and assigned the overt act of firing at the complainant. The medical certificate and statements under Section 161, Cr.P.C. were also considered against him. The evidentiary position of the applicant is therefore materially different, and consistency cannot be claimed merely because the accused are nominated in the same FIR. This view finds support in the case of **Ghazi Arab**⁴, where the Hon'ble Supreme Court held that the rule of consistency applies only where the co-accused's case is at par, and not where the role attributed and the incriminating material differ materially.

12. During the pendency of these proceedings, time was granted on several occasions to explore compromise, but no compromise has been placed before the Court. Mere negotiations, therefore, create no legal right in favour of the applicant.

13. The authorities cited by learned Counsel for the applicant have been considered. The principles governing pre-arrest bail and further inquiry are well settled, but their application depends on the facts of each case. In the present matter, the specific allegation of firing, the injured witness's account, medical corroboration, and the contemporaneous police record distinguish the applicant's case from the authorities relied upon by him. Conversely, **Sheqab Muhammad** (supra) is directly relevant to the contention regarding injury on a non-vital part, while **Haji Shah Behram** (supra) supports the principle that a specifically nominated accused against whom material showing a direct role is available cannot

⁴ Ghazi Arab v. The State (2025 SCMR 1967)

obtain the extraordinary concession of pre-arrest bail merely on the basis of a property dispute or similar circumstances.

14. Pre-arrest bail is an extraordinary relief intended to protect a person from arrest motivated by mala fide, humiliation, harassment or an ulterior purpose. The applicant has not placed any convincing circumstances demonstrating such mala fide. This extraordinary character of the relief, and the applicant's burden to demonstrate mala fide, has been reiterated by the Supreme Court in cases of **Ahtisham Ali** and **Ghulam Qadir**⁵. At this stage, the prosecution version contains a specific motive, a direct attribution of the firing to the injured complainant, medical corroboration, and contemporaneous evidence of her approach to the police for medical assistance.

15. This Court recognizes that only a tentative assessment is permissible at the bail stage. The ultimate truthfulness of the witnesses, the effect of the property dispute, the credibility of the prosecution evidence, and the establishment of the requisite intention under Section 324, PPC, are matters for trial. However, on the material presently available, the applicant's case does not fall within the ambit of further inquiry under Section 497(2), Cr.P.C.

16. For the foregoing reasons, applicant Muhammad Nawaz has failed to make out a case for confirmation of pre-arrest bail. The instant criminal bail application is **dismissed**. The interim pre-arrest bail granted to the applicant vide order dated 06.05.2026 is hereby recalled. The applicant shall surrender before the learned trial Court forthwith, after which his case shall be dealt with strictly in accordance with law.

17. The observations made herein are tentative in nature, confined solely to the determination of the present bail application, and shall not prejudice either party or influence the learned trial Court while deciding the case on merits.

J U D G E

Abdul Basit

⁵ Ahtisham Ali v. The State (2023 SCMR 975) and Ghulam Qadir v. The State (2022 SCMR 750)