

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Criminal Bail Application No.S-209 of 2026  
(Himat Ali v. The State)

Criminal Bail Application No.S-210 of 2026  
(Himat Ali v. The State)

DATE	ORDER WITH SIGNATURE OF JUDGE
Applicant :	Himat Ali s/o Hamzo Mastoi through Mr. Sohbat Ali Lund Advocate
State :	Ms. Sana Memon, Assistant Prosecutor General.
Date of hearing:	20.04.2026
Date of order :	27.04.2026

-----  
*FIR No. 87 of 2025, P.S. Johi, u/s  
302, 436, 147, 148, 149, 504, 337-  
H(ii) PPC*

*FIR No. 96 of 2025, P.S. Johi, u/s  
25 Sindh Arms Act, 2013*

**ORDER**

**Adnan Iqbal Chaudhry, J.** – The Applicant in both bail applications is Himat Ali. Bail Application No.S-209/2026 is in FIR for offences under the PPC, whereas Bail Application No.S-210/2026 is in the off-shoot FIR for the offence under the Sindh Arms Act, 2013. By a common order dated 03.10.2025, the Additional Sessions Judge-II, Dadu denied bail to the Applicant in both cases. After final challan was submitted, the Applicant made a fresh bail application in both cases, but those too were dismissed by a common order dated 09.12.2025, hence these bail applications.

2. FIR No. 87/2025 made by the Informant (Sono) on 21.08.2025 was in the background of hostility between him and Allan Mastoi (principal accused). It was reported that Allan Mastoi along with co-accused Roshan, Rustam, Hakim, Himat Ali (Applicant) and Manzoor, all bearing firearms, came outside the Informant's home at 9:00 a.m. on said day, and set fire to a hedge outside the Informant's home; that when the Informant, his brothers Ali Nawaz (deceased) and Asif Ali (injured), and their uncle Ali Hassan rushed outside, Allan Mastoi (principal accused) fired upon Ali Nawaz, the shot hitting him on the head; that the co-accused Roshan hit Asif Ali on the head with

the butt of his gun; thereafter, the accused persons fled from the scene while making aerial firing.

3. On 26.08.2025, Ali Nawaz succumbed to his injury and died at a hospital in Hyderabad. Therefore, section 302 PPC was added to the challan. The Applicant was arrested on 05.09.2025. It is alleged that on 07.09.2025 he pointed the police to a crop field near his house from where a 9 mm pistol with a rubbed number was recovered, alleged to be one of the firearms used in the incident, hence the second FIR No. 96/2025 for the offence under section 25 of the Sindh Arms Act, 2013.

4. Heard learned counsel and perused the record.

5. In FIR No. 87/2025, the fire shot to Ali Nawaz (deceased) is not attributed to the Applicant, but to Allan Mastoi (principal accused); the injury to Asif Ali is also not attributed to the Applicant, but to the co-accused Roshan. Though it is alleged that the Applicant was part of the unlawful assembly in front of the Informant's home and acting with common intention, but no specific role is assigned to the Applicant.

6. Only 1 crime empty was recovered from the crime scene, that too of a 12-bore gun; whereas, the firearm attributed to the Applicant is a 9mm pistol. There is no evidence that a 9 mm firearm was fired at the crime scene. Therefore, the pistol allegedly recovered on the Applicant's pointation does not tie him to the crime scene.

7. As regards the offence alleged under section 436 PPC, that seems to be attracted where mischief by fire is intended to cause destruction to a building ordinarily used as a place of worship, human dwelling or for custody of property. There is no evidence that a fire had damaged the Informant's home. In any case, it has yet to be proved that the fire set to the hedge outside the Informant's home was with the intent to burn or damage his home.

8. In the aforesaid facts, it may well be, as argued for the Applicant, that he was not part of the unlawful assembly that committed the aforesaid crime; that he was falsely implicated by throwing a wider net because he is the brother of the principal accused; and for this reason, a pistol was also foisted on him. Nonetheless, even assuming the Applicant's presence at the scene of the crime, the question whether he shared common intention with the principal accused to commit the murder of Ali Nawaz, remains a matter for evidence.

9. The Applicant is no longer required for investigation. There is no probability of him tampering with the evidence if granted bail. Therefore, his continued incarceration during trial serves no beneficial purpose.

10. In view of the foregoing, the case against the Applicant calls for further inquiry into his guilt, thus falling within the ambit of sub-section (2) of section 497 Cr.P.C. Therefore, the Applicant, Himat Ali is granted post-arrest bail in FIR No. 87/2025 and FIR No. 96/2025 subject to furnishing solvent surety respectively in the sum of Rs. 200,000/- [Rupees Two Hundred Thousand only] and Rs. 50,000 [Rupees Fifty Thousand only] along with P.R. Bond in like amount to the satisfaction of the Additional Registrar of this Court. He shall be released from prison forthwith if not in custody in any other case.

Needless to state that observations herein are tentative and are not to be construed to prejudice the case of the prosecution at trial.

JUDGE

Ali Haider