

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Applications No.3345 of 2025

Applicants : Hanif son of Piniladho @ Pinar
Jakhro and Ali Mir son of Ali Hassan
Jakhro Through Mr. Sadam Hussain
Abbasi, advocate

Complainant : Sanwan @ Saeen Dino, Through
Mr. Syed Yasir Ali Shah, advocate

The State : The State Through: Mr. Sharaf-ud-
Din Kanhar, A.P.G. Sindh

Date of hearing : 20.04.2026

Date of Order : 20.04.2026

ORDER

Jan Ali Junejo, J:-- Through this order, I propose to decide the instant post-arrest bail application filed by the above-named applicants/accused in connection with FIR No.38 of 2025, registered at Police Station Jhampir, District Thatta, for offences punishable under Sections 302, 324, 454, 504 and 35, P.P.C. The applicants had earlier approached the learned Sessions Court by filing Criminal Bail Application No.1147 of 2025, which was entrusted to the Court of learned Ist Additional Sessions Judge/MCTC, Thatta, and the same was dismissed vide order dated 11.11.2025.

2. Briefly stated, as per contents of the FIR, complainant Sanwan @ Saeen Dino alleged that due to matrimonial dispute arising from elopement/marriage of one Mst. Shahzadi Jakhro with their relative Maqbool Ahmed, the accused party developed grudge against complainant side. It is alleged that on 24.09.2025 at about 10:00 a.m., a white Suzuki pickup and a golden Mehran car carrying armed

accused persons entered the complainant's premises. Upon arrival, various nominated accused allegedly made indiscriminate firing resulting in death of Khan Muhammad at the spot and causing firearm injuries to several persons namely Ghamshad, Ali Hassan, Muhammad Hassan and Suleman. Present applicants were assigned role of driving the said vehicles. Thereafter, FIR was lodged on 25.09.2025 at 10:00 p.m.

3. Learned counsel for the applicants contended that the applicants are innocent and have falsely been implicated due to admitted matrimonial dispute between the parties. He argued that no specific overt act of firing or causing injury has been assigned to either applicant; rather they were merely shown as drivers of vehicles. It was further argued that no weapon was recovered from them, they are not beneficiaries of any motive, FIR is delayed, all witnesses are related inter se, and the case of the applicants squarely falls within the ambit of further inquiry under Section 497(2), Cr.P.C. He lastly prayed that the applicants be admitted to bail.

4. Conversely, learned counsel for the complainant strongly opposed the bail application and submitted that both applicants actively facilitated the principal accused by bringing them to the place of occurrence in vehicles and then helping them escape after commission of offence. He argued that such participation clearly attracts vicarious liability/common intention under Section 35, P.P.C. He further submitted that one person lost his life while several others sustained firearm injuries, therefore the applicants do

not deserve concession of bail and prayed for dismissal of the application.

5. Learned Assistant Prosecutor General, Sindh adopted the arguments advanced on behalf of the complainant. He submitted that the applicants are specifically nominated in the FIR and during investigation the vehicles allegedly used in commission of offence were recovered. He contended that ocular account is supported by medical evidence and statements recorded under Section 161, Cr.P.C.; therefore sufficient material exists connecting the applicants with the offence. He prayed for dismissal of the bail application.

6. I have heard learned counsel for the parties and examined the material available on record with their able assistance. Admittedly, no direct role of firing, causing injury or use of weapon has been attributed to either of the present applicants. The specific allegation against them is that applicant Hanif was driving the Suzuki pickup whereas applicant Ali Mir was driving the Mehran car. Their case, therefore, rests upon allegation of facilitation and constructive liability. At bail stage, deeper appreciation of evidence is not permissible. However, where liability is inferential and dependent upon proof of prior meeting of minds, common intention, knowledge and conscious participation, such questions ordinarily require recording of evidence at trial. Mere presence at the spot or driving a vehicle, without further allegation of exhortation, armed participation, sharing of motive, or active assistance during firing, does not automatically establish guilt with certainty so as to deny bail as a matter of course. In similar circumstances, in the case of

Bashir Ahmed and others v. The State and another (2022 SCMR 1187), the Honourable Supreme Court of Pakistan was pleased to observe that: *“Mere presence of an accused with an accused who commits the crime would not constitute his common intention unless there is an evidence referring to the criminal act of that accused committed in furtherance of common intention with the other accused”*.

7. It is also significant that admittedly the applicants are not attributed any specific overt act causing death of deceased Khan Muhammad or injuries to other persons. The principal allegations of firing are against co-accused persons armed with pistols, repeater and gun. Whether the applicants knowingly joined unlawful design or were merely accompanying others is a matter requiring evidence and deeper probe. Thus, their case prima facie calls for further inquiry within contemplation of Section 497(2), Cr.P.C.

8. Further, investigation has already been completed and challan has been submitted. The applicants are no more required for custodial interrogation. Nothing has been pointed out that in case of release on bail they would abscond or tamper with prosecution evidence. The settled principle is that bail is not to be withheld as punishment and tentative assessment at this stage favors extending concession of bail where reasonable doubt exists regarding extent of participation of accused.

9. For the foregoing reasons, the instant Criminal Bail Application is allowed. Applicants Hanif son of Piniladho @ Pinar Jakhro and Ali Mir son of Ali Hassan Jakhro are admitted to post-

arrest bail subject to furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Hundred Thousand only) each and P.R. bond in the like amount to the satisfaction of the learned trial Court. The observations made herein are tentative, confined to the disposal of this bail application, and shall not prejudice the parties, nor shall they influence the learned trial Court at the time of recording evidence and deciding the case on merits. These are the detailed reasons of the Short Order dated: 20.04.2026.

JUDGE