

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl. Bail Application No.S-131 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicants: 1. Naseem Ahmed S/O Sabir Khan Banbhan
2. Pir Bux S/O Mir Muhammad Gaheejo (D.N.P)
Through Mr. Zaulfiqar Ali Panhwar Advocate.

The State: Through Mr. Mansoor Ahmed Shaikh D.PG.

Complainant: Abdul Rehman S/O Saifal Ali Banbhan,
Through Mr.Shabbir Ali Bozdar Advocate.

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Date of hearing & order: 21.09.2026.

Suresh Kumar J:- Through this bail application applicant/accused Naseem seeks his pre-arrest bail in Crime No.77 /2025 for the Offences Punishable U/Ss 302,324,147,148 PPC registered at Police Station, Halani District Naushahro Feroze.The applicant Naseem is present on interim pre arrest bail.

2. Concisely, the facts of the prosecution as depicted in the FIR are that on 11.05.2025 complainant Abdul Rehman lodged FIR with Police Station Halani stating therein that over civil dispute with co-accused Majid Ali and others they were annoyed. On 03.05.2025 complainant along with Dilawar (deceased), and others were standing outside of their house at about 6.00 PM they saw accused Naseem along with 08 other nominated and five unknown culprits who came there, having iron rods, lathis in their hands, challenged the complainant party that they will teach a lesson to the, then applicant Naseem, along with co-accused Peeral (Pir Bux) caused iron rod blows to Dilawar on his head and later-on he died while the other accused caused lathi blows to six injured witnesses namely Hamzo and others. On cries and arrival of villager persons the accused went away. The injured persons were taken to hospital where from some of the injured were referred PMC Nawab Shah, later-on injured Dilawar expired, thereafter, the complainant appeared at Police Station Halani where he got registered FIR.

3. The applicant initially along with other co accused approached for bail before the Court of Sessions Judge Naushahro Feroze, for grant of pre-arrest bail which was dismissed vide order dated 25.08.2025 by learned Additional Sessions Judge, Kandiaro. Being aggrieved by this dismissal order, the applicant has approached this Court.

4. I have heard learned counsel for applicant, Learned counsel for complainant and learned D.P.G Sindh at length. Learned D.P.G assisted by learned counsel for complainant has strongly opposed the confirmation of interim pre arrest bail to the applicant/accused.

5. I have heard learned counsel for applicant/accused, learned D.P.G assisted by the learned counsel for complainant. The learned DPG and learned counsel for complainant have strongly opposed the confirmation of interim pre arrest bail to the applicant/accused.

6. Having given due consideration to the arguments advanced by the parties counsel and perused the relevant material available on record. From the perusal of the FIR, it reveals that applicant No.1, namely Naseem Ahmed along with co-accused Pir Bux having iron rods in their hands caused iron rod blows to the deceased Dilwar on his head and allegedly committed his murder, while other accused have caused lathi injuries to six witnesses named in the FIR. The version of complainant is supported by the injured Hamzo and others in their statements U/S 161 CrPC, so also post mortem report of deceased Dilwar. Therefore, sufficient material is available on record against applicant to connect him with the commission of alleged murder of deceased Dilwar. Learned counsel for applicant has mainly contended that there is 08 days delay in lodging of the FIR, which has not been explained, for which prosecution explained such delay in the FIR that deceased was seriously injured and he died after 08 days of the incident, thereafter, the complainant lodged FIR. Thus, delay has been explained. Per se the delay is no ground for

grant of bail otherwise, sufficient material is available on record against the applicant/accused to connect him with this offence. In this regard reliance is placed upon the case law reported

7. The alleged offence is punishable up to Death or Imprisonment for life, and falls within the ambit of prohibitory clause of section 497 (1) Cr.P.C, Even otherwise, the grant of pre arrest bail is an extra ordinary relief but no mala fide has been brought on record against the complainant for the alleged false implication of the present applicant. The presence of applicant at spot has not been denied as he has sustained injuries as per counter version. The learned counsel for applicant has placed reliance upon the case of Zulqarnain Haider @ Zain v. The State and another (**2025 SCMR 1457**) and Ali Murad and others. v. The State (**2019 YLR Note-21**). The post arrest bail was granted to accused as counter version. This case is of confirmation under counter version, therefore, the facts and circumstances of the reported case law are distinguishable to the case of present applicant, which are not helpful to him.

8. For the foregoing reasons and guidance taken from the above case law, I am of the considered view that applicant/accused Naseem has failed to make out his case for confirmation of his pre arrest bail, therefore, his bail application is dismissed, while accused Pir Bux Gaho has not appeared today and no proof of his illness has been produced, therefore, his bail application is dismissed in non-prosecution. While interim pre arrest bail dated 11.02.2026 granted to applicant Naseem and co accused Pir Bux Gaheejo is hereby recalled.

9. Needless to say that the above observations are tentative in nature and will not prejudice the case of either party at the time of trial.

JUDGE

Hizbullah