

## **THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

### **Crl. Bail Application No.S- 449 of 2026**

**Applicant** : Syed Zulfiqar Ali Shah Rashidi through  
M/s Safdar Ali Bhatti and Liaquat Ali  
Shar, Advocates a/w applicant.

**Complainant** : Momin Ali through Mr. Ather Hussain  
Abro, Advocate.

**Respondent** : The State through Mr. Muhammad  
Raza Katohar, Deputy P.G.

**Date of Hearing** : **18-09-2026**  
**Date of Order** : **18-09-2026**

### **ORDER**

**TASNEEM SULTANA, J.-** Through this bail application, the applicant Syed Zulfiqar Ali Shah Rashidi seeks pre-arrest bail in Crime No.03 of 2026, registered at Police Station Ahmed Pur, District Khairpur, for offences under Sections 302, 109, 148 and 149, P.P.C. His earlier application for the same relief was dismissed by the learned Additional Sessions Judge-I/MCTC, Khairpur, vide order dated 24.03.2026. Hence, the instant application.

2. Brief facts of the prosecution case are that complainant Momin Ali lodged FIR alleging that, on 15.01.2026, his brother Miskeen @ Kattar Ujjan, while travelling with the complainant and others, was intercepted by armed persons. Co-accused Ayaz Narejo allegedly fired at him with a pistol, as a result of which he sustained a firearm injury and later succumbed to the same during treatment. The present applicant, Syed Zulfiqar Ali Shah Rashidi @ Adil Shah, has been named in the FIR with the allegation that he used to instigate the principal accused to commit the murder of the complainant's brother.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated on account of political rivalry; that he was neither present at the place of occurrence nor is it the prosecution case that he instigated any co-accused on the day or at the place of occurrence; that the FIR does not disclose the date, time or place of the alleged instigation, nor does it name any person in whose presence it was made; that the applicant's name was placed in

Column No.II of the report submitted under Section 173, Cr.P.C., though such opinion was not accepted by the learned Magistrate concerned; and that the applicant has not misused the concession of interim pre-arrest bail and has cooperated with the investigation.

4. Conversely, learned Deputy Prosecutor General for the State, assisted by learned counsel for the complainant, opposed the grant of bail and contended that the applicant is specifically named in the FIR with the allegation of instigating the co-accused to commit murder; that the occurrence resulted in the death of the complainant's brother; and that the material collected during investigation connects the applicant with the commission of the offence.

5. Heard. Record perused.

6. A perusal of the record reflects that the applicant was not present at the place of occurrence. The allegation against him is that he used to instigate co-accused Ayaz Narejo to commit the murder of the deceased. However, the FIR does not disclose the date, time or place of the alleged instigation, nor does it name any person in whose presence it was made. It is further borne out from the record that, during investigation, the applicant's name was placed in Column No.II of the report submitted under Section 173, Cr.P.C. Although the learned Magistrate did not agree with that opinion and took cognizance of the offence, the placement of the applicant's name in Column No.II of the report under Section 173, Cr.P.C. cannot be ignored at this stage. Whether the applicant made the alleged instigation and whether it had any connection with the occurrence are matters requiring determination after recording evidence at trial. These circumstances call for further inquiry within the meaning of Section 497(2), Cr.P.C.

7. The plea of political rivalry raised by the applicant is also a matter requiring determination after recording evidence at trial. Moreover, no complaint has been made regarding misuse of the concession of interim pre-arrest bail granted to the applicant by this Court.

8. In view of the above facts and circumstances, the applicant has made out a case for grant of pre-arrest bail. Consequently, by short

order dated 18.09.2026, this bail application was **allowed** and the interim pre-arrest bail granted to the applicant vide order dated 14.05.2026 was **confirmed** on the same terms and conditions. These are the reasons for the short order.

9. The observations made herein are tentative in nature and shall not affect the case of either party at trial.

**J U D G E**

Ahmad/PS