

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**Crl. Bail Application No. S- 708 of 2026**

Applicant: Rahib Ali son of Zareen bycaste Lund
through Mr. Mujeeb-ur-Rehman Malano,
Advocate.

Complainant: Through Mr. Muhammad Aslam Gadani,
Advocate.

The State Through Mr. Shafi Muhammad Mahar,
Deputy Prosecutor General, Sindh.

Date of hearing: 15.09.2026.

Date of Order: 25-09-2026.

ORDER.

Suresh Kumar, J --- The applicant named above seeks post-arrest bail in a case bearing crime No. 150/2024, offences under sections 302, 324, 337-L(ii), 114, 337-A(i), F(i), 147, and 149 of the PPC registered at Police Station Khanpur Mahar, District Ghotki.

2. The brief facts of the case, as depicted in the FIR, are that on 26.07.2024, complainant Rab Rakhio lodged the FIR alleging that due to a dispute over matrimonial affairs, accused Mouj Ali and others were annoyed. On 24.07.2024, after watering his land, he came and stood near his house, where his brother Allah Rakhio, maternal uncle Rahib Ali, and nephews Raza Muhammad and Soomer came. It was 5:00 p.m. Accused Sahibdino, 2. Qurban Ali, 3. Nisar Ahmed, 4. Kadero with hatchets, 5. Rahib Ali (the present applicant), 6. Mouj Ali, 7. Manzoor Ahmed, 8. Akhter Ali, and 9. Riaz Ahmed came while coming; the accused were annoyed, and accused Riaz instigated the other accused not to spare the complainant party. Then accused Sahibdino caused a hatchet blow to Rahib Ali on his head, accused Akhter Ali caused a lathi blow to Rahib Ali, then accused Qurban Ali caused a hatchet blow to his brother Allah Rakhio on his

head, accused Rahib Ali caused a lathi blow to his brother Allah Rakhio on his left shoulder, accused Mouj Ali caused a lathi blow to Raza Muhammad on different parts of his body, and accused Akhter caused a lathi blow to nephew Soomer on his left elbow, head, and other parts of his body. They raised cries, then Mst. Makhni, wife of Imam Bux Lund, and Mai Haseena Lund came and intervened. Then accused Manzoor, Nisar Ahmed, and Kandero caused injuries to them on different parts of their bodies. Then they gave holy names of Allah and, while raising slogans, ran away. They then went to the police station and obtained letters for treatment. Injured Rahib Ali and brother Allah Rakhio were referred to Gambat Hospital, where on 05.07.2024, maternal uncle Rahib Ali succumbed to his injuries and died. They then got a post-mortem conducted on the deceased Rahib Ali, and leaving injured Allah Rakhio in Gambat Hospital, he was referred to Rahimyar Khan, where he also died on 26.07.2024. His post-mortem was conducted, and after burial, they went to the police station and lodged the FIR.

3. The applicant initially sought post-arrest bail from the Court of the learned Additional Sessions Judge-II Ghotki, which was dismissed vide order dated 04.03.2026. Aggrieved by this dismissal, the applicant has approached this Court.

4. I have heard the learned counsel appearing on behalf of the applicant/accused, the learned Deputy Prosecutor General for the State, and the learned advocate for the complainant, who have opposed the grant of post-arrest bail. The learned counsel for the complainant has relied upon case laws reported in 2021 SCMR 1225, 2024 SCMR 1576, 2025 SCMR 1967, and an unreported order dated 24-08-2026 passed in Cr. Bail Application No. 344/2026.

5. Having given due consideration to the arguments advanced by the counsel for the parties and having perused the material available on record, it is revealed from the examination of the FIR that the applicant/accused allegedly inflicted a lathi blow to the deceased on his shoulder. The version of the complainant, as narrated in the FIR, is supported by the testimonies of the PWs, as well as by the Post Mortem Report of the deceased, Allah Rakhio. From the examination of the Post Mortem Report, it further reveals that the deceased sustained an injury on his shoulder in addition to other injuries, and the medical officer opined that all injuries were sufficient to cause death. This indicates that the injury caused by the applicant is also a fatal injury; therefore, prima facie, sufficient material is available on record that connects the applicant with the commission of the offence. Moreover, two persons have died in the present incident, and four individuals, namely Raza Muhammad, Soomar, Mst. Makhni, and Mst. Haseena, have sustained injuries. The alleged offence is punishable by death or imprisonment for life and falls within the ambit of the prohibitory clause of section 497(1) Cr.P.C. In similar circumstances, the Honourable Supreme Court, in the case of *Itbar Muhammad v. The State and others* (2024 SCMR 1576), has held as follows:

“---S.;497---Penal Code (XLV of 1860), Ss.302, 324, & 34 ---Constitution of Pakistan, Art.185(3) ---Qatl-i-amd attempt to commit qatl-i-amd common intention---Bail refusal of---In the present case one person had lost his life and one person had sustained injuries at the hands of accused persons – Furthermore, the petitioner(accused) along with another accused was nominated in the FIR and specific role of firing at the deceased and injured person was attributed to petitioner specifically---Prosecution witnesses in their statement had supported the version of the complainant given by him in the FIR---Medical evidence also corroborated the ocular account---record further reflected that the version of complainant was corroborated by the recovery of empties from the place of incident and recovery of pistol at the pointation of the petitioner, therefore, there appeared reasonable grounds to believe that petitioner/accused had committed the offence which was punishable with death or imprisonment for life, hence the case of petitioner fell within the prohibitory clause of section 497 Cr.P.C -----Tentative assessment of the material available on record prima facie connected the petitioner with the commission of the offence which fell within the ambit

of prohibitory clause of section 497 Cr.P.C Petitioner was dismissed leave was declined and petitioner was refused bail”.

6. Learned counsel for complainant has also relied upon the case of **Noor Aslam v. The State (2021 SCMR 1225)**, in which the bail of accused was declined on the ground that prima facie under S.324 PPC was attracted. Learned counsel also relied upon the case of **Ghazi Arab v. The State (2025 SCMR 1967)**, in which Honourable Supreme Court held that delay in registration of FIR has been plausibly explained. This Court in an un-reported case of **(Adeel v. The State) in Cr.B.A.No.S-344 of 2026**, also declined the bail plea of accused on the ground that sufficient material was available on record against accused.

7. For the reasons above and guidance taken from the above case laws, I am of the considered view that the applicant/accused has failed to make out his case for grant of post arrest bail. Therefore, instant Crl. Bail Application is hereby dismissed.

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

J U D G E