

THE HIGH COURT OF SINDH, CIRCUIT HYDERABAD

Crl. Bail Application No. S-691 of 2026

Applicant : Shahid Inqilabi s/o Ahmed Khan
Through Mr.Inam Ali Malik, Advocate

Complainant : Muhammad Usman s/o Yadin Gaddi Pathan
Through Mr.Nazir Ahmed A. Bhatti, Advocate

The State : Through Mr.Ataf Hussain Khokhar, D.P.G

Date of Hearing : 05.10.2026

Date of short Order: 05.10.2026

Date of reasons : 05.10.2026

ORDER

ABDUL MOBEEN LAKHO-J, Through this criminal bail application, applicant Shahid Inqilabi seeks post-arrest bail in Crime No.27 of 2026, registered at Police Station Hali Road, District Hyderabad, for an offence punishable under Sections 302, 324, 337-F (iii), 147, 148, 149 PPC. His earlier bail application was dismissed by the learned Sessions Judge, Hyderabad vide order dated 19.05.2026.

2. Briefly stated, the complainant Muhammad Usman alleged that some time prior to the occurrence, a quarrel had taken place between his children and the children of applicant Shahid Inqilabi, which was subsequently patched up. On the early morning of 26.01.2026, his son Saif Ali and his friend Muhammad Madni Shaikh were sitting in front of the house. Upon hearing firing, the complainant came out and allegedly saw applicant Shahid Inqilabi along with his sons Shayan and Safiyan, both armed with pistols and co-accused Farhan Majeed along with an unknown person. It is alleged that co-accused Shayan and Safiyan made straight fires upon Saif Ali and Muhammad Madni Shaikh, as a result whereof both sustained firearm injuries. The accused persons allegedly fled away from the place of incident, while the injured were shifted to hospital. Subsequently, injured Saif Ali succumbed to injuries and Section 302 PPC was added in the case.

3. Learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated due to previous enmity. He argued

that no specific role of firing has been assigned to the applicant and only his presence has been alleged in the FIR. He further contended that there is an inconsistency regarding the date of occurrence, as the complainant initially reported the incident on 26.01.2026 but later claimed that it had actually occurred on 27.01.2026, rendering the matter one of further inquiry. He also argued that the FIR was lodged with delay, no independent witness has been cited despite the alleged presence of mohalla people; all witnesses are related and interested, investigation has already been completed and the applicant is no longer required for investigation. He accordingly prayed for grant of post-arrest bail. In support of his contentions, he relied upon case law reported as **2024 MLD 1313, 2021 SCMR 540, 2020 SCMR 1814, 2017 SCMR 279, 2003 SCMR 958, 2002 SCMR 1415, 1996 SCMR 1654, 2026 YLR 615, 2019 YLR Note 86, 2018 YLR Note 226 and 2018 YLR Note 222.**

3. Learned D.P.G., assisted by learned counsel for the complainant, opposed the bail application and contended that the applicant is specifically nominated in the FIR. He submitted that the applicant was present at the place of occurrence along with his armed sons who allegedly made firing upon the deceased and injured witness. It was further argued that the ocular account is supported by medical evidence and statements recorded during investigation, therefore sufficient material are available on record connecting the applicant with the commission of the alleged offence. He lastly submitted that the offence falls within the prohibitory clause of Section 497 Cr.P.C, therefore, the applicant is not entitled to the concession of bail.

4. I have heard learned counsel for the applicant, learned D.P.G. assisted by learned counsel for the complainant and have perused the material available on record with their assistance.

5. The contention that no specific overt act has been attributed to the applicant, therefore, does not, in the circumstances of the present case, bring his case within the ambit of further inquiry. The material available on record, when considered in its entirety, is sufficient to prima facie connect the applicant with the occurrence. The applicant accompanied his two sons to the place of occurrence, where the latter opened fire upon the victims, causing them serious firearm injuries. His presence was thus not that of an unrelated or chance bystander; he had arrived at the place of occurrence in the company of the very persons who, according to the prosecution,

subsequently resorted to firing. Despite being present throughout the occurrence, the applicant made no attempt to prevent, restrain or dissuade his sons from carrying out the assault. Immediately after the firing, in which the victims sustained serious injuries, the applicant also left the place of occurrence along with his sons, who thereafter absconded.

6. These circumstances, when considered cumulatively, furnish sufficient prima facie material to infer, for the purposes of bail, that the applicant was acting in furtherance of a common intention with his sons. The absence of a separate overt act or a specific firearm injury being attributed to the applicant cannot, in the peculiar circumstances of the case, by itself be made a ground for treating the matter as one of further inquiry. His presence in the company of the assailants, his conduct during the occurrence and his immediate departure from the scene after the firing constitute circumstances which, at this stage, provide a sufficient nexus between the applicant and the occurrence.

7. At the bail stage, this Court is not required to finally determine the precise extent of the applicant's participation or the manner in which the common intention was formed. Suffice it to observe that the material available on record is sufficient to establish a prima facie nexus between the applicant and the occurrence and consequently, the case does not fall within the ambit of further inquiry. Accordingly, the bail application is **dismissed**.

The above are the reasons of my short order dated 05.10.2026.

JUDGE