

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Bail Appl. No.S-844 of 2026
[Shahid v. The State]

Cr. Bail Appl. No.S-1053 of 2026
[Abdul Khalique alias Khalid and others v. The State]

Dates of hearing : 07.10.2026
Date of short order : 07.10.2026
Date of reasons : 08.10.2026

M/s Saad Saeed Qureshi and Qadir Bux Lashari, Advocates for the Applicants
M/s Meer M. Buriro and Ayaz Ali Mangi, Advocates for complainant
Mr. Altaf Hussain Khokhar, DPG

ORDER

ABDUL MOBEEN LAKHO, J.- Through captioned bail applications, the applicants seek post arrest bail in Crime No.193/2026, registered at Police Station A-Section, Dadu, for offences under Sections 302, 324, 452, 337-A(i), 337-F(i), 337-H(ii), 147, 148, 149, 504 PPC, after dismissal of their bail applications for post-arrest bail by the learned Additional Sessions Judge-I/MCTC, Dadu, vide orders dated 23.06.2026 and 31.07.2026, respectively.

2. The details and particulars of the case are already available in the bail application and the FIR and may be gathered therefrom; hence, the same need not be reproduced herein.

3. Learned counsel for the applicants contends that the applicants are innocent and have been falsely implicated in this case; that the incident took place in the house of complainant but no any bloodstains was collected nor blood clothes were recovered from the place of incident; that applicants Abdul Khalique alias Khalid and Abdul Rauf allegedly armed with iron rod and lathi respectively caused injuries on the head of deceased Najabdin; that there is conflict between the FIR and medical certificate as in the FIR It is alleged that applicants Abdul Khalique alias Khalid and Abdul Rauf both caused injuries on the head of deceased whereas as per the medical certificate the deceased received only

one injury on his head, which require further inquiry; that the deceased dies after 9 days of the alleged incident. Lastly learned counsel for the applicants prayed for grant of bail to the applicants. In support of contentions, learned counsel relied upon the case law reported as 2021 MLD 1390, 2020 SCMR 956, 1997 SCMR 251, 2011 MLD 349, 2020 MLD 1032, 2018 YLR 1655 and 2016 MLD 886.

4. Conversely, learned Deputy Prosecutor General, appearing for the State, assisted by learned counsel for the complainant, opposed the bail applications. It was contended that all the applicants are nominated in the FIR with specific roles and, having acted in furtherance of their common object, are equally liable for the alleged murder. It was further submitted that the prosecution witnesses have also implicated the applicants in their statements recorded under Section 161, Cr.P.C.; therefore, the applicants do not deserve the concession of bail. In support of his contention, learned DPG has placed reliance on the case law reported as 2024 SCMR 1071, 2020 SCMR 2089, 2010 SCMR 966, 2026 SCMR 1451 and 2025 SCMR 279.

5. I have heard the learned counsel for the parties and have examined the available material with their assistance. Admittedly, the alleged occurrence took place at the house of the complainant and the prosecution case attributes specific roles to the applicants. At the stage of bail, however, the Court is required to make only a tentative assessment of the material available on record and is not expected to undertake a deeper appreciation of evidence or determine the guilt or innocence of the accused. The prosecution case, as presently available on record, requires tentative scrutiny particularly with regard to the nature and number of injuries attributed to the applicants. As per the FIR, applicants Abdul Khaliq alias Khalid and Abdul Rauf are alleged to have caused injuries on the head of deceased Najabdin with an iron rod and a lathi, respectively. However, the medical certificate available on record indicates only one injury on the head of the deceased. At this tentative stage, the discrepancy between the ocular account and medical evidence cannot be treated as insignificant, particularly when the applicants have been assigned separate roles in causing injuries. The question as to which particular injury proved fatal, whether

both applicants caused injuries as alleged, and whether the medical evidence corroborates the specific ocular attribution are matters requiring further examination at trial. The medical evidence, at least prima facie, does not completely correspond with the manner in which the fatal injuries have been attributed to the applicants in the FIR. Such discrepancy brings the case within the scope of further inquiry contemplated by Section 497(2), Cr.P.C. The allegation against the applicant Shahid is that he and co-accused Ayaz had caused blunt side hatchet and lathi blows respectively to PW Altaf Hussain on his head, whereas the allegation against applicant Abdul Shakoor is that he and co-accused Majid had caused danda blows to PW Altaf Hussain. As per the final medical certificate of PW Altaf Hussain, he had received three injuries: (1) other Hurts 337-L(2), (2) Shajjah-i-Khafifah (Lip Injury) and (3) Shajjah-i-Khafifah, which do not fall within the prohibitory clause of section 497 Cr.P.C. The applicability of section 324 PPC is yet to be determined at trial after recording evidence. The case has been challaned and the applicants are no more required for further investigation.

6. Under these facts and circumstances, I am of the view that the applicants have been able to make out a case for further inquiry u/s 497(2), Cr.P.C and are entitled to the concession of bail. Resultantly, the captioned bail applications were allowed and all the four applicants were granted post arrest bail vide short order dated 07.10.2026 passed in court.

The observations made hereinabove are tentative in nature and would not prejudice the case of either party at trial.

JUDGE