

ORDER SHEET
IN THE HIGH COURT OF SINDH, KARACHI

Cr. Bail Appl.No.3106 of 2026

Date	Order with signature of the Judge
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Present:

Mr. Justice Muhammad Iqbal Kalhoro.

Mr. Justice Khalid Hussain Shahani.

Ali Gohar & another Vs. The State

19.10.2026.

Mr. Ahmed Nawaz, Advocate for applicant

Ms. Amna Ansari, Addl. P.G.

O R D E R

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MUHAMMAD IQBAL KALHORO J: Applicants are seeking post arrest bail in FIR No.90/2019 U/s 302,201, 34 PPC r/w section 7 ATA, 1997 of P.S. Shah Latif Town, Karachi.

2. Initially, Abdul Raheem Shah lodged said the FIR on 06.02.2019 U/s 393, 34 PPC at P.S. Shah Latif Town against deceased and his three accomplices for attempting to commit robbery from him when he was returning to home in his vehicle alongwith his son Hassan Ali Shah after withdrawing Rs.10,00,000/- from the bank. He has alleged that during the course of robbery, he fired in self defence and injured one of the dacoits. Meanwhile his three accomplices made their escape good and after some time police arrived at the spot and took away the injured to the hospital but he died on the way in ambulance.

3. However, subsequently brother of deceased namely Khalid Hussain Ranjhani registered a second FIR of the incident bearing Crime No.105/2019 U/s 302, 201, 34 PPC r/w section 7 ATA, 1997 at same police station viz. Shah Latif Town on 11.02.2019 alleging that murder of his brother Irshad Ali Ranjhani was not an outcome of firing in self defence by Abdul Raheem Shah during an attempt of robbery but the he had killed him on purpose after exchange of hot words when his brother while trying to cross over the road was hit by his vehicle.

4. The trial proceeded against Abdul Raheem Shahn(complainant) after he was made accused and he has been convicted and sentenced for five years RI U/s 324 PPC vide judgment dated 26.10.2023. Applicants, who were police officials had applied for pre arrest bail, their ad-interim pre arrest bail was recalled vide order dated 05.05.2026 and are since in jail. Thereafter, their post arrest bail application has been dismissed through

impugned order. The role attributed to them is that when deceased/victim injured was being shifted to the hospital in the ambulance, applicants appeared at the scene and in their presence, accused Abdul Raheem Shah had repeated fire over the deceased to ensure that he should not survive.

5. Applicant's counsel has pleaded for bail on the ground that no direct role has been attributed to the applicants; they have already been punished for their negligence, as they have been terminated from service; the trial has already ended into only 05 years RI to the main accused and the offence insofar as applicants are concerned, does not fall within prohibitory clause u/s 497 Cr.P.C, and that the act of negligence on their part is yet to be established.

6. On the other hand, learned Addl. P.G. has opposed bail stating that applicants were absconders, their collusion is apparent as main accused in their presence repeated fires over the victim but they did not, although armed with officials weapons, obstruct him from doing so.

7. We have considered submissions of the parties and perused material available on record. In our view, except allegations of being negligent at the time when the main accused repeated fires on the deceased, no other part is ascribed to them. The alleged role is yet to be established in the trial. The main accused has only been sentenced for 5 years RI. Applicant's abscondence, when they are otherwise entitled to grant of bail, would not come in their way, is a settled proposition of law. More so applicants seem to have been dealt with adequately by the department as they have already been terminated from service for their alleged negligence, which is yet to be established to determine their culpability. Therefore, we find the applicants entitled to concession of bail. Accordingly, this application is allowed and applicants are granted bail subject to their furnishing a solvent surety in the sum of Rs.500,000/- and PR bond in the like amount to the satisfaction of the trial court.

The Cr. Bail Application is disposed of.

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

JUDGE

JUDGE