

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl. Bail Application No.S-508 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
-----------------	-------------------------------

Applicant: Dur Muhammad S/O Khair Muhammad Phulpoto
Through Syed Asghar Ali Shah, Advocate

The State: Through Mr. Muhammad Raza Katohar, D.PG.

Date of hearing & order: 19.10.2026.

Suresh Kumar J:- Through instant Criminal Bail Application U/S 498 Cr.P.C, the applicant/accused Dur Muhammad Phulpoto, seeks pre-arrest bail in Crime No.238 /2025 for the offences Punishable U/Ss 302, 324, 148,149 PPC, registered at PS, Tando Masti Khan District Khairpur. The applicant/accused was granted ad-interim pre arrest bail on 01.06.2026, which is fixed today for confirmation or otherwise.

2. The facts of the prosecution, as depicted in the FIR, are that on 24.10.2025, complainant Yar Muhammad Phulpoto lodged an FIR at PS Tando Masti Khan, stating that, due to a dispute over agricultural land, on 23.10.2025 at 0200 hours (night), the applicant/accused, along with 26 nominated accused and four unknown culprits, duly armed with deadly weapons such as a rocket launcher, grenades, KKS, and G-3 rifles, came to the house of the complainant. Among them, accused Rahim Bux @ Rahmo challenged the complainant party and caused firearm injuries to the deceased Shahmir, while accused Khuda Bux fired his launcher, which hit the house of the complainant. Subsequently, accused Waqar caused firearm injuries to injured PW Imran, while co-accused Gul Bahar threw a grenade, resulting in pellet injuries to injured Hajjan. Thereafter, all accused persons left the scene, abandoning the deceased and transporting the injured to the hospital. The complainant then appeared at PS TM Khan, where he lodged the FIR as narrated above.

3. The applicant/accused initially approached before the Court of Sessions Judge, Khairpur, for grant of pre-arrest bail which was dismissed by the learned Addl. Sessions Judge-I(MCTC), Khairpur vide order dated 19.05.2026. Being aggrieved by this dismissal order, the applicant/accused has approached this Court.

4. I have heard learned counsel for applicant, and learned D.P.G Sindh. Learned D.P.G has opposed the confirmation of ad-interim pre-arrest bail to the applicant/accused.

5. Having given due consideration to the arguments advanced by the parties' counsel and having perused the material available on record, it is revealed from the perusal of the FIR that no specific role has been attributed to the applicant/accused in the commission of the alleged offence. The role of causing firearm injuries to the deceased Shahmir is attributed to co-accused Rahim Bux @ Rahmo Phulpoto, while the roles of causing injuries to PWs Imran and Hajjan are attributed to co-accused Waqar Ali and Gul Bahar. The mere presence of the applicant/accused, armed with a KK, is allegedly shown at the scene at the relevant time, and no active part in the occurrence was played by the applicant. Therefore, the case against the applicant/accused requires further inquiry. In this regard reliance is placed upon the case of **Muhammad Jahangir Khan, etc v. the State, etc (2020 SCMR 1270)**, and case of **Saad Zia v. The State (2023 SCMR 1898)**.

6. Moreover, co-accused Khadim, Jaro, Asif, and Qurban Ali have been granted pre-arrest bail by the Honourable Supreme Court of Pakistan via order dated 10.06.2026, while co-accused Hamid Ali and Dodo have been granted pre-arrest bail by the learned trial court via order dated 11.08.2026. The case of the present applicant/accused is on par with them. A previous dispute is admitted in the FIR; therefore, mala fide on the part of the complainant cannot be ruled out in implicating the present applicant/accused. Furthermore, the applicant/accused has been appearing before the trial court

as well as this Court, and he has not misused the concession of interim pre-arrest bail.

7. For the foregoing reasons and guidance taken from the above-cited case law, I am of the considered view that the applicant/accused has made out a case for the grant of pre-arrest bail on the rule of consistency and further inquiry. Therefore, the interim pre-arrest bail earlier granted to the applicant/accused on 01.06.2026 is confirmed, with the condition to furnish an additional surety of Rs.100,000, as co-accused Khadim, Jaro, Asif, and Qurban Ali have been granted bail by the Honourable Supreme Court in the sum of Rs.200,000. The applicant/accused is directed to furnish the additional surety of Rs.100,000 (one lac) and PR bond in the like amount within a period of two weeks before Additional Registrar of this Court.

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

J U D G E

Hizbullah/PA.