

THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-319 of 2026

Applicant: Shahjehan through Mian Taj Muhammad Keerio,
Advocate.

Respondent: The State through Mr. Shawak Rathore, Deputy
Prosecutor General, Sindh along with SIP Rajab
Ali PS Odero Lal Village.

Complainant: Shahnawaz through Mr. Muhammad Ali Shaikh,
Advocate.

Date of hearing: 19.10.2026.

Date of order: 19.10.2026.

ORDER

MUHAMMAD HUMAYON KHAN, J.— This order disposes of the applicant’s post-arrest bail application in Crime No.33/2024 registered at Police Station Odero Lal Village for offences under Sections 302, 324, 114 and 120-B, P.P.C. His earlier bail application was dismissed by the learned Additional Sessions Judge, Matiari, on 26.02.2026.

2. The prosecution case is that, at about 1:00 a.m. on 31.07.2024, the complainant Shahnawaz, accompanied by his brother Mumtaz and cousin Nazeer, was going to the agricultural land when the accused allegedly intercepted and restrained them near the mango garden of Mazhar Shah. Co-accused Muhammad Ramzan and Sohara are alleged to have fired at Mumtaz and Nazeer, respectively. The applicant is alleged to have struck Nazeer on the neck with a hatchet, while Khadim allegedly struck Mumtaz. Both injured persons died. The FIR was lodged after the bodies had been taken for post-mortem examination and the funeral had been performed.

3. Learned counsel for the applicant submits that he has been falsely implicated due to previous enmity; that the FIR was lodged after a delay of about seventeen hours; and that a counter-case arising from the same background was registered. He relies on affidavits of no objection filed by some legal heirs, the grant of bail to co-accused Abdul Rehman, and seeks bail on the ground of further inquiry and consistency.

4. The learned Deputy Prosecutor General and learned counsel for the complainant oppose the application. They submit that the

applicant has been assigned a specific and active role in a double murder, *prima facie* supported by the medical evidence and recovery of the weapon. They further point out that the widow of deceased Mumtaz has opposed bail and that the affidavits relied upon by the applicant do not establish a lawful compromise.

5. I have heard learned counsel for the applicant, learned D.P.G. Sindh and learned counsel for the complainant and examined the available record. The applicant is specifically nominated in the FIR and is attributed a direct hatchet blow on the neck of deceased Nazeer. The medical material and recovery referred to in the earlier order *prima facie* support that allegation. The precise effect of this evidence and the applicant's ultimate liability are matters for trial; at this stage, however, the material does not bring his case within the scope of further inquiry under Section 497(2), Cr.P.C.

6. The delay in lodging the FIR, viewed with the explanation appearing in the prosecution version—that the bodies were taken for post-mortem examination and the funeral was performed before the report was lodged—does not, by itself, displace the specific attribution supported by the material presently available. The pleas of enmity and counter-case also require assessment at trial. The grant of bail to Abdul Rehman does not establish parity: the role attributed to him is distinct from the direct injury assigned to the present applicant. In the case of Ghazi Arab v. The State (2025 SCMR 1967), the Honourable Supreme Court reiterated that consistency depends upon the accused being at par in role and incriminating material. The affidavits of no objection, without a compromise established in accordance with law, do not alter the tentative assessment of the evidence; the objection raised on behalf of the widow of deceased Mumtaz is also part of the record.

7. For these reasons, no case for grant of post-arrest bail is made out. The Criminal Bail Application is **dismissed**. The observations made above are tentative and shall not prejudice either party at trial.

JUDGE