

THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-544 of 2026

Applicant: Muhammad Uris, through Syed Faiz Ahmed Shah Advocate.

Respondent: The State through Ms. Rameshan Oad, Deputy Prosecutor General, Sindh.

Complainant: Mst. Shahul through Mr. Irfan Khaskheli, Advocate.

Date of hearing: 16.10.2026.

Date of order: 16.10.2026.

ORDER

MUHAMMAD HUMAYON KHAN, J.- The applicant seeks post-arrest bail in Crime No.04 of 2025, registered at Police Station Makhdoom Bilawal, District Dadu, for offences punishable under Sections 302, 324, 436, 337-A(i), 337-F(i), 337-A(v), 427, 114, 147, 148 and 149, P.P.C. His earlier bail application was dismissed by the learned Additional Sessions Judge-IV, Dadu, on 24.04.2026.

2. The details and particulars of the FIR are already available in the bail application and FIR, the same could be gathered from the copy of the FIR attached with such application, hence, needs not to reproduce the same hereunder (PLD 2014 SC 458).

3. Learned counsel for the applicant contends false implication due to previous enmity, delay in lodging the FIR, discrepancies between the ocular and medical evidence, the applicant's absence from the place of occurrence and the grant of bail to co-accused Niaz. The learned Deputy Prosecutor General and learned counsel for the complainant opposed the application.

4. I have heard learned counsel and examined the material referred to at the hearing. The FIR specifically attributes to the applicant a gun-butt blow to the deceased's head and instigation of the co-accused. The post-mortem material records two grievous head injuries caused by a hard and blunt substance. At this stage, that medical material does not exclude the applicant's alleged role. The precise contribution of each accused and the effect of the evidence are matters for trial.

5. The FIR was lodged about two days after the occurrence. The prosecution explanation is that the complainant was occupied in arranging treatment for the injured. The effect of the delay can be assessed at trial; on the material presently available, it does not by itself call for further inquiry. The applicant's plea that he was not present at the scene is also a matter for determination on evidence. In the case of *ALLAH DEWAYO SHAHANI v. The STATE through Prosecutor General, Sindh* (2023 SCMR 1724), the Supreme Court held, in the context of the material before it, that an alibi plea could not be determined at the bail stage and that the specific role attributed to the accused had to be considered.

6. The grant of bail to co-accused Niaz, without material showing that his role and the evidence against him are at par with those against the applicant, does not entitle the applicant to the same concession. In the case of *GHAZI ARAB v. The STATE* (2025 SCMR 1967), the Supreme Court reiterated that the rule of consistency applies only where the accused seeking bail is at par with the co-accused granted bail; it also considered whether an explained delay and the material connecting the accused to the offence disclosed a case for further inquiry.

7. On a tentative assessment, the applicant has not made out a case for further inquiry under Section 497(2), Cr.P.C. The criminal bail application is, therefore, **dismissed**. The observations above are tentative and shall not prejudice either party at trial.

JUDGE