ORDER SHEET

IN THE HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Criminal Bail Application No.S-1407 of 2025

Applicant:	Noushad son of Shamshad Abbasi through Mr. Imtiaz Ali Abbasi, Advocate.
Complainant:	Through Mr. Aslam Pervez Khan, Advocate.
The State:	Through Ms. Sana Memon, A.P.G.
Date of hearing:	26.10.2026.
Date of order:	30.10.2026.

O R D E R

OMAR SIAL, J. Naushad Abbasi seeks post-arrest bail in crime number 76 of 2024, registered under sections 302, 114, and 504 of the P.P.C. at the Hali Road police station. The police registered the F.I.R. on Mola Bux's complaint on 18.06.2024.

2- Mola Bux recorded that his son, Muhammad Rafique, was involved in an ongoing dispute with a neighbor, Naushad Abbasi (the applicant). Roughly a month prior to the incident, Naushad allegedly took Rafique’s wife, Mst. Wakeela, to court and married her. In response, Rafique filed a court petition against Naushad, which was scheduled for a hearing on June 26, 2024.

3- On June 18, 2024, around 17:00 hours, the complainant rushed outside upon hearing gunfire. He witnessed Naushad and his son-in-law, Wajid Rajar, standing at the shop below the house, hurling abuses at Rafique, which escalated into a physical altercation. When the complainant’s other son, Rameez Raja, and two neighbors (Baboo Khan and Gehram) intervened to de-escalate the situation, Naushad’s son (Sameer) and Mst. Wakeela arrived. Sameer and Wakeela instigated the attack by explicitly telling Naushad and Wajid to kill the victims. Acting on this instigation, Naushad and Wajid drew pistols from their waistbands and fired directly at the complainant's sons. Both Rameez Raja and Muhammad Rafique sustained critical bullet wounds and collapsed. The assailants fled the scene while firing into the air to prevent apprehension. Rameez Raja passed away on the way to the Civil Hospital, while Muhammad Rafique died shortly after arrival. Local police subsequently arrived to initiate proceedings.

4- The only argument the applicant's learned counsel has raised is consistency. He says that allegedly Naushad and Wajid had both fired upon the deceased, and as Wajid has been admitted to pre-arrest bail, Naushad, the applicant, also deserves the same concession. This argument has been passionately resisted by the learned Assistant Prosecutor General.

5- I have heard the learned counsel for the applicant and the complainant, as well as the learned Assistant Prosecutor General. My observations are as follows.

6- The record reflects that in September, the complainant Mola Bux executed an Affidavit. He admits that he swore the affidavit. Because of the affidavit, the learned 8th Additional Sessions Judge, Hyderabad, on 20.09.2026, confirmed Wajid's pre-arrest bail.

7- The prosecution's star witness, Mola Bux, is completely unreliable due to his irreconcilable and shifting narratives. In the FIR, Bux provided a highly detailed, firsthand account of the double homicide, asserting that he personally witnessed both Wajid and Naushad shoot and kill Rameez Raja and Mohammad Rafique, even going so far as to recount specific dialogue exchanged during the incident. However, Bux later explicitly contradicted his own sworn statement by submitting an affidavit exonerating Wajid from any participation in the crime. This profound inconsistency severely damages the credibility of his entire story; if the complainant could falsely implicate and then clear one co-accused, there is no logical or legal safeguard preventing him from fabricating the allegations against Naushad as well, with whom he had a grievance, thereby casting reasonable doubt on the entire prosecution case. By submitting a sworn affidavit completely exonerating Wajid, Bux himself utterly demolished his own credibility. This created doubt, warranting further inquiry.

8- Given the above, Naushad Ali is admitted to post-arrest bail against a solvent surety of Rs.500,000 and a P.R. Bond to the satisfaction of the learned trial court.

J U D G E

Ahmed/Pa,