

IN THE HIGH COURT OF SINDH, CIRCUIT COURT
LARKANA

Criminal Bail Application No.S-374 of 2026.
(Abdul Samad Vs. The State)

Applicant: Abdul Samad son of Basheer Ahmed
Jatoi, *through* Mr. Ghayoor Abbas
Shahani, Advocate.

The State: *Through* Mr. Nazir Ahmed Bangwar,
Deputy Prosecutor General, Sindh.

Date of hearing: 24.08.2026.
Date of Order: 24.08.2026.

ORDER

Ali Haider 'Ada', J:-, Through this post-arrest bail application, the applicant seeks post-arrest bail in FIR Crime No.29 of 2025, registered at Police Station Bakapur, for offences punishable under Sections 302, 311 and 34, P.P.C, lodged by SIP Mukhtiar Ali. The FIR was registered on 23.08.2025 at about 06:00 p.m., whereas the alleged incident took place on the same day at about 04:30 p.m. Prior to approaching this Court, the applicant had moved his bail application before learned trial Court for the same relief but remained unsuccessful.

2. The prosecution case, in brief, is that during patrolling, the police party received spy information that accused persons namely Ashraf Ali, Abdul Samad (applicant) and one unknown person were present with the intention of committing the murder of Mst. Rozina, wife of accused Ashraf Ali, allegedly in the name of honour. Acting upon such information, the police party proceeded towards the indicated place and allegedly saw all the accused persons armed with guns. Upon seeing the police party, the accused allegedly fled from the spot. The police officials thereafter noticed a woman lying on the ground in an injured condition, who had succumbed to her injuries and was identified as Mst. Rozina,

wife of accused Ashraf. After completion of the requisite legal formalities, the FIR was registered, investigation was conducted and the challan was submitted before the competent Court. The present applicant was arrested on 11.09.2025.

3. Learned counsel for the applicant mainly contends that there is no specific allegation attributing the commission of the murder to the present applicant. He submits that no weapon or other incriminating article has been recovered from his possession and that no specific role has been assigned to him in the commission of the alleged offence. He further submits that the postmortem report reflects only one firearm injury on the person of the deceased. On these grounds, learned counsel submits that the applicant is entitled to the concession of post-arrest bail and has placed reliance upon the judgment reported as *2022 SCMR 1323*.

4. Conversely, learned Deputy Prosecutor General submits that the case relates to an alleged honour killing, wherein accused Ashraf, husband of the deceased, in collusion with the present applicant, who is his nephew, allegedly committed the murder of Mst. Rozina. He further submits that two empty cartridges were recovered from the place of occurrence, which lends support to the prosecution case. According to him, the mere absence of a specific allegation regarding the actual firing does not exonerate the applicant at this stage, particularly when the prosecution alleges his participation in the occurrence. He contends that the alleged offence falls within the prohibitory clause of Section 497, Cr.P.C, and, therefore, the applicant does not deserve the concession of bail. He accordingly prays for dismissal of the application.

5. Heard the learned counsel for the applicant as well as the learned Deputy Prosecutor General and carefully examined the material available on record.

6. Prima facie, the applicant has failed to make out a case warranting the grant of post-arrest bail on merits. The

contention that no specific role of firing has been attributed to the applicant cannot, at this stage, be considered in isolation from the overall circumstances of the case. The prosecution case is founded upon an alleged honour killing, wherein the deceased was stated to have been murdered by persons closely connected with her. In cases of honour-related violence, particularly where the victim is allegedly killed by members of her own family or persons associated with the family, the absence of a direct account from family members or independent witnesses cannot, by itself, be treated as sufficient ground for extending the concession of bail at the tentative stage. Reliance in this regard is placed upon ***Itbar Muhammad v. The State and others*, 2024 SCMR 1576.**

7. The medical evidence also prima facie corroborates the occurrence, as the postmortem report reflects firearm/pallet injuries sustained by the deceased. The prosecution further alleges that all the accused persons were armed with firearms and that the deceased, a woman aged about 40 years, was brutally murdered allegedly in the name of honour. The offence under Section 302, P.P.C. carries the punishment of death or imprisonment for life and, therefore, squarely attracts the prohibitory clause of Section 497, Cr.P.C. At this stage, the material available on record does not disclose any circumstance sufficient to bring the case within the ambit of further inquiry. In this regard, reliance may be placed upon ***Kamran v. The State*, 2024 SCMR 1419.**

8. It also cannot be lost sight of that violence committed in the name of honour is a grave social evil. Such violence is particularly unacceptable where women, who are entitled to protection within their families and communities, become victims at the hands of persons closely related or otherwise associated with them. Courts, while dealing with allegations of honour-based violence, are therefore required to examine the material with due care and caution, keeping in view the seriousness of the offence and its wider social implications. The Honourable Supreme Court, in ***Muhammad Ali Mahar***

v. The State, 2024 SCMR 1584, has also highlighted the grave nature of honour-based violence and the need for a careful judicial approach in such matters.

9. In view of the foregoing discussion and upon careful consideration of the material available on record, the applicant has failed to make out a case for grant of post-arrest bail. Accordingly, the instant bail application is dismissed.

JUDGE