

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Bail Application No. D-86 of 2026

**PRESENT: Mr. Justice Riazat Ali Sahar
Mr. Justice Ali Haider 'Ada'**

Applicant Rab Nawaz @ Raban @ Rabo son of Bungul Dosani	:	Through M/s. Shahbaz Ali M. Brohi & Abdul Rehman A. Brohi, Advocates
The State	:	Through Mr. Aitbar Ali Bullo, Deputy Prosecutor General, Sindh.
Complainant Allahdad Khan son of Dilshad Khan Domki	:	Through Mr. Shakeel Ahmed G. Ansari, Advocate
Date of Hearing	:	01.09.2026
Date of Order	:	01.09.2026

ORDER

Riazat Ali Sahar, J.- Through the instant bail application, applicant Rab Nawaz Raban @ Rabo son of Bungul Dosani seeks post-arrest bail in Crime No.08 of 2025 registered at Police Station Rustam, for the offences punishable under Sections 302, 365, 511, 148, 149 and 337-H(ii) PPC read with Sections 6/7 of the Anti-Terrorism Act, 1997. His earlier bail application was not pressed and was dismissed as withdrawn.

2. Brief facts of the prosecution case, as set out in the FIR, are that on 19.01.2025 the complainant Allahdad along with his nephew Salar Khan, grandson Allah Bux and relative Murad Ali was returning from Sukkur. At about 06:30 p.m., when they reached near Gola Laro, they allegedly saw several armed persons who, in the headlights of the vehicle, were identified by them. It is alleged that the accused persons attempted to abduct Salar Khan and Allah Bux. On resistance, accused Shabir fired at Salar Khan, while accused Bashoo @ Badshah fired at Allah Bux. Salar Khan died as a result of

the firearm injury. Thereafter, the accused persons allegedly made aerial firing and went away from the place of incident.

3. Learned counsel for the applicant contends that the applicant is innocent and has falsely been involved in the case. He submits that the the applicant was not nominated in the FIR and his name was disclosed subsequently through a statement under Section 161 Cr.P.C. He further submits that only the role of aerial firing has been attributed to the applicant and no role of firing upon the deceased has been assigned to him. He also submits that no incriminating article has been recovered from the possession of the applicant and that he is in custody since **01.02.2025**.

4. Learned counsel further submits that the complainant is present before the Court and has filed an affidavit wherein he has stated that he has no objection if bail is granted to the applicant/accused. He submits that in view of the no objection of the complainant, coupled with the other circumstances of the case, the applicant deserves the concession of bail.

5. Conversely, learned Deputy Prosecutor General, Sindh opposes the bail application; however, he has not been able to controvert the fact that the complainant is present before the Court and has filed an affidavit showing no objection to the grant of bail to the applicant.

6. We have heard learned counsel for the parties and perused the available record.

7. From the tentative assessment of the material available on record, it appears that the applicant was not nominated in the FIR and his name was subsequently surfaced through a statement recorded under Section 161 Cr.P.C. It is further noticed that the role attributed to the applicant is of aerial firing, whereas the specific allegation of firing upon deceased Salar Khan has been attributed to co-accused Shabir. No specific role of causing the fatal injury to the deceased has been attributed to the present applicant. It is also an admitted position that no incriminating article has been recovered from the possession of the applicant.

8. The applicant is in custody since 01.02.2025. Investigation has already been completed and challan has been submitted before the learned trial Court. More importantly, the complainant is present before the Court and has filed an affidavit stating that he has no objection to the grant of bail to the applicant. The said statement of the complainant has not been disputed by the prosecution.

9. It is also noticed that the earlier bail application filed by the applicant was not pressed and was withdrawn without the matter being argued or decided on merits. Therefore, the present bail application is maintainable. Reliance is placed upon the case of *Nadeem Samson Vs. The State and others* (PLD 2022 SC 112). In the circumstances, the subsequent implication of the applicant through Section 161 Cr.P.C., the limited role attributed to him, absence of recovery, his prolonged custody and, particularly, the no-objection expressed by the complainant, make the case of the applicant one of further inquiry within the meaning of Section 497(2) Cr.P.C. Consequently, the instant bail application is hereby **allowed** and the applicant Rab Nawaz @ Raban @ Rabo son of Bungul Dosani is admitted to bail subject to furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Hundred Thousand only) and PR bond in the like amount to the satisfaction of the learned trial Court.

10. The observations made hereinabove are tentative in nature and shall not prejudice the case of either party or influence the learned trial Court while deciding the matter on merits.

JUDGE

JUDGE

Zulfiqar