

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S-593 of 2026

Crl. Bail Application No.S-596 of 2026

Crl. Bail Application No.S-610 of 2026

Applicants : Muhammad Daud & another (Crl.B.A.No.S-593 of 2026)
Qadir Bux & 05 others (Crl.B.A.No.S-596 of 2026)
Gul Bahar (Crl.B.A.No.S-610 of 2026)
Through Mr. Mehtab Ahmed Baloch,
Advocate along with applicants except in
Crl.B.A.No.S-610 of 2026.

Complainant in all matters: Through Mr. Javed Miandad Chandio,
(except Crl.B.A.No.S-610/2026 Advocate.

The State : Through Mr. Muhammad Raza Katohar,
Deputy P.G.

Date of Hearing : 31-08-2026
Date of Order : 07-09-2026

ORDER

TASNEEM SULTANA, J.- Through these Criminal Bail Applications, applicants Muhammad Daud, Adam, Qadir Bux, Akash, Shamsheer, Muhammad Saleh, Ghulam Qadir and Sarfraz seek pre-arrest bail, while applicant Gul Bahar seeks post-arrest bail, in Crime No.26 of 2026, registered at Police Station Kot Laloo, District Khairpur, for offences punishable under Sections 324, 114, 147, 148 and 149, PPC, after their respective bail pleas were declined by the learned Additional Sessions Judge, Mirwah, vide orders dated 09.06.2026. Since all these bail applications arise out of the same crime, they are being decided through this common order.

2. The detailed facts of the case are already set out in the bail applications and the FIR and, therefore, need not be reproduced in detail.

3. Learned counsel for the applicants contended that the applicants are innocent and have been falsely implicated on account of a longstanding dispute between the parties over agricultural land and previous litigation arising therefrom; that the FIR was lodged after deliberation and consultation; that

applicants Muhammad Daud and Adam were not named in the FIR and their names were subsequently introduced through a further statement of the complainant recorded after about eighteen days of the occurrence, without holding any identification parade; that such subsequent nomination, in the background of admitted previous hostility, reflects mala fide and ulterior motive on the part of the complainant; that despite the alleged presence of firearms, no shot was fired during the occurrence; that the prosecution has involved several members of the same family in the case; and that the material available on record does not justify the extraordinary consequence of arrest of the applicants seeking pre-arrest bail. As regards applicant Gul Bahar, learned counsel submitted that he is shown empty-handed in the FIR, no injury is attributed to him, and his role is confined merely to the allegation of instigation. He, therefore, prayed for grant of pre-arrest bail to the applicants seeking such relief and post-arrest bail to applicant Gul Bahar.

4. Conversely, learned Deputy Prosecutor General, assisted by learned counsel for the complainant, opposed the applications and contended that the applicants nominated in the FIR have been assigned roles in the occurrence; that the complainant is an injured witness and his version is supported by the medical evidence; that Muhammad Daud and Adam were subsequently identified by the complainant as the two unidentified accused mentioned in the FIR; and that the previous dispute between the parties does not, by itself, furnish a ground for extending the concession of pre-arrest bail. As regards applicant Gul Bahar, it was contended that the allegation of instigation attributed to him is sufficient, at this stage, to connect him with the occurrence. They, therefore, prayed for dismissal of the bail applications.

5. Heard. Record perused.

6. It appears from the record that applicants Qadir Bux, Akash, Shamsher, Muhammad Saleh, Ghulam Qadir and Sarfraz are nominated in the FIR from the outset. Akash and Ghulam Qadir are attributed pistol-butt blows on the head of complainant Gulzar Ali; Qadir Bux, Shamsher and Sarfraz are alleged to have caused lathi blows, whereas Muhammad Saleh is alleged to have participated in the assault with a hatchet. The complainant is himself an injured witness and his medical certificate reflects three lacerated wounds on different parts of the head, with bone exposed, besides several other injuries on his

person, caused by a hard and blunt substance. The ocular account is also supported by the statements of the eyewitnesses recorded during investigation.

7. The nature and seat of the injuries, particularly the repeated blows on the head, which is a vital part of the body, read with the manner of assault alleged in the FIR, prima facie attract the ingredients of Section 324, PPC. The said offence carries punishment which may extend to ten years and falls within the prohibitory clause of Section 497(1), Cr.P.C. The plea that no firearm was discharged does not materially advance the case of Akash and Ghulam Qadir, as the allegation against them is that they caused blows with the butts of their pistols. The previous dispute over agricultural land, though apparent from the FIR, by itself is insufficient to establish mala fide or ulterior motive in view of their nomination from the outset, the roles attributed to them, the account of the injured complainant and the corresponding medical evidence. Their case, therefore, does not call for further inquiry within the meaning of Section 497(2), Cr.P.C., nor is there sufficient ground to continue the extraordinary protection of pre-arrest bail.

8. The case of applicants Muhammad Daud and Adam stands on a different footing. They were not named in the FIR, wherein only two unidentified persons armed with pistols were mentioned. Their names surfaced subsequently through the further statement of the complainant recorded on 18.05.2026, about eighteen days after the occurrence. No test identification parade is shown to have been conducted to establish that they were the same unidentified persons referred to in the original version. In such circumstances, their subsequent identification without holding a test identification parade assumes significance. In this regard, reliance is placed upon the case of Farman Ali v. The State (1997 SCMR 971), wherein the Hon'ble Supreme Court of Pakistan observed as follows: -

“7. Holding of identification test becomes necessary in cases, where names of the culprits are not given in the F.I.R. Holding of such test is a check against false implication and it is a good piece of evidence against the genuine culprits.....”

9. Whether Muhammad Daud and Adam were, in fact, the same unidentified persons mentioned in the FIR and participated in the occurrence, therefore, requires determination after recording evidence at trial. Their case

accordingly calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

10. As regards applicant Gul Bahar, he is shown empty-handed in the FIR and no injury is attributed to him. His role is confined to the allegation of instigation, while the actual injuries are attributed to the co-accused. Whether, in the circumstances of the occurrence, such instigation was sufficient to fasten liability upon him for the acts committed by the other accused is a matter requiring determination after recording evidence. His individual role, therefore, brings his case within the ambit of further inquiry under Section 497(2), Cr.P.C.

11. In view of the above facts and circumstances, applicants Qadir Bux, Akash, Shamsher, Muhammad Saleh, Ghulam Qadir and Sarfraz have failed to make out a case for grant of pre-arrest bail. Their interim pre-arrest bail granted vide order dated 18.06.2026 is, therefore, recalled. Applicants Muhammad Daud and Adam have succeeded in making out a case for grant of pre-arrest bail and their interim pre-arrest bail granted vide order dated 18.06.2026 is confirmed on the same terms and conditions. Applicant Gul Bahar has also succeeded in making out a case for grant of post-arrest bail and is admitted to bail, subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and P.R. bond in the like amount to the satisfaction of the learned trial Court.

12. The observations made hereinabove are tentative in nature and shall not prejudice the case of either party at trial.

J U D G E

Ahmad