

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**Crl. Bail Application No. S- 34 of 2026**

Applicant: Khadim Hussain son of Khan Muhammad by
caste Buledi through Mr. Abdul Ahad Buriro,
Advocate.

Complainant: Through Mr. Muhammad Naseer Chachar,
Advocate.

The State Through Mr. Muhammad Raza Katohar,
Deputy Prosecutor General, Sindh.

Date of hearing: 03.09.2026.

Date of Order: 08.09.2026

ORDER.

Suresh Kumar, I --- Through instant criminal bail application, applicant named above seeks post arrest bail in a case bearing crime No. 112/2025, offence u/s 302, 120-B, 147, 148, 149, 114 PPC registered at Police Station Salehpat District Sukkur.

2. The brief facts of the case are that on 18.09.2025, the complainant, along with his brother Nawab Ali, cousins Hameedullah and Sahib, and friends Ghulam Shabbir and Shman Ali, was present in village Dinpur Tharri, District Sukkur. At about 2:30 p.m., accused Sadam Hussain, Bakht Ali, Gulab Khan, Hyder alias Ayoob, Anwar, Abdul Samad, and Haji alias Abdul Kareem came there on three motorcycles, armed with pistols. Upon their arrival, accused Khadim Hussain instigated the other accused not to spare the complainant party due to a previous matrimonial dispute. Acting upon such instigation, all the accused persons made straight fires at the complainant party, which hit Nawab Ali, Hameedullah, and Ghulam Shabbir, resulting in their deaths on the spot. Thereafter, all the accused fled towards the eastern side on the same motorcycles. Subsequently, the FIR was registered against the accused persons.

3. The applicant initially sought post arrest bail from the Court of the learned Additional Sessions Judge-I Sukkur, which was dismissed vide order dated 29.12.2025. Aggrieved by this dismissal, the applicant has approached this Court.

4. I have heard the learned counsel appearing on behalf of the applicant/accused and the learned Deputy Prosecutor General for the State who opposed for grant of post arrest bail.

5. Having given due consideration to the arguments advanced by the counsel appearing on behalf of respective and perused the material available on record. From the perusal of FIR, it reveals that applicant/accused allegedly assigned role of Lalkara with criminal conspiracy and abetment while no any physical over act is attributed to the applicant. The allegation of abatement and criminal conspiracy requires strong evidence particularly to prove such allegations. In the case of Sher Afzal V. State (2022 SCMR 186), Hon'ble Supreme Court has held that the question which required determination whether the lalkara raised by the accused was commanding in nature or was it a mere a proverbial lalkara is a question of fact to be decided after recording of evidence and where doubt existed, the case falls within the ambit of further inquiry U/S 497 Cr. P.C. Similar, view has been taken by Hon'ble Supreme Court in the case of Amanat Ali v. State (1993 SCMR 1992), in which it has been held that where only role attributed in FIR is that of lalkara without specific act of causing injury, it is fit case for grant of bail. Looking into the above dictum, this Court has also followed the above principle in the case of Amjad Amin v. State (2010 YLR 2993) and in the case of Hakim Ali v. State (2009 YLR 98). In present case, the accused was also attributed role of instigation and no any injury was attributed, therefore case of the applicant falls under the ambit of further inquiry. There is delay of 02 days in lodgment of FIR, which has not been plausibly explained by the prosecution. In such circumstances, deliberation and discussion for assigning the role of each accused cannot be ruled out particularly in the

circumstances when previous enmity is admitted in the FIR. As far as the criminal conspiracy and abetment is concerned, this Hon'ble Court in the case of Abdul Shakoor v. State (2026 PLJ 126), has held that any allegation of abetment or conspiracy being indirect in nature, demands strong corroborate evidence to establish that offence was committed as a consequence of such instigation. The applicant/accused is in custody for about one year and trial has not been concluded as per material available on record.

6. For the reasons above and guidance from the above case laws, I am of the considered view that applicant/accused has made out his case for grant of bail after arrest, therefore applicant/accused is granted bail subject to furnishing surety in sum of Rs. 5 lacs with P.R bond in the like amount to the satisfactions of trial Court.

7. Needless to say that above observations are tentative in nature and will not prejudice the case of either party.

J U D G E