

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 645 of 2026

Applicants:	1. Bashir Ahmed son of Abdul Rasheed, 2. Muhammad Bux son of Muhammad Pannah by caste Pitafi through Mr. Sunder Khan Chachar, Advocate.
Complainant:	Through Mr. Shabbir Ali Bozdar, Advocate.
The State	Through Mr. Muhammad Raza Katohar, Deputy Prosecutor General, Sindh.
Date of hearing:	03.09.2026.
Dated of Order.	09-09-2026

ORDER.

Suresh Kumar, J --- Through instant criminal bail application, applicants named above seeks post arrest bail in a case bearing crime No. 58/2025, offence u/s 302, 324, 337-A(i), F(i), H(ii), 148, 149 PPC registered at Police Station Dad Leghari.

2. The brief facts of the case are that on 07.10.2025 complainant Luqman Ali lodged FIR stating that matrimonial dispute is going between Abdul Rasheed Pitafi and such FIR was lodged Crime NO.38/2025 under section 365 PPC in which names of complainant party not nominated. According to version set forth by complainant on 04.10.2025 at about 2.30 a.m he along with his family awoke due to barking of dogs and recognized several persons belonging to accused side, all armed with weapons who entered in the house, forcibly taken away Mst. Naseema. Complainant party succeeded in intercepting them near Karyo Dost Muhammad were abducted woman was recovered. However, accused opened fire upon complainant party. As per FIR specific firing acts attributed to Abdul Rasheed, Muhammad Imran and Jani which resulted in fire arm injuries to Ali Asghar, who succumbed to injuries. It is alleged

Dilawar , Irfan Ali and Ali Hassan resorted to firing, causing fire arm injury to Abdul Jabbar on his leg. Accused Karam caused butt blows with fire arm weapon upon Qamaruddin causing him injury while remaining accused also subjected other members to physical violence. Upon cries near persons came then accused escaped from scene. Injured was then referred to DHO Hospital Mirpur Mathelo, then referred to Sukkur, where Ali Asghar succumbed to injuries while injured Abdul Jabbar shifted to Karachi for treatment then FIR was lodged by complainant.

3. The applicants initially sought post arrest bail from the Court of the learned Additional Sessions Judge Daharki, which was dismissed vide order dated 28.04.2026. Aggrieved by this dismissal, the applicant has approached this Court.

4. I have heard the learned counsel appearing on behalf of the applicants/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 for the parties and perused the material available on record. From the perusal of FIR, it reveals that applicants/accused allegedly caused but below to the complainant and deceased, while medical certificate reveals that abrasion was found on the shoulder of the deceased and such injury was not cause of death of the deceased. In the case of Muhammad Jawed v. State (2012 P Cr. L. J 617), this Court has held that non attribution of fatal injury makes it the case of further inquiry while relying on the case of Jaffar and others v. State (1980 SCMR 784). Since applicants' alleged role is limited to causing simple injury, which was neither cause of death nor

was fatal, therefore, their case falls under Section 497(2) Cr. P.C, hence case against applicants/accused fall within the ambit of further inquiry.

6. For the reasons above and guidance from the above case laws, I am of the considered view that applicants/accused made out their case for grant of bail. The applicants/accused are granted bail subject to furnishing surety in sum of Rs. 5 lacs each 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