

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S-514 of 2026

Applicant: Deen Muhammad son of Hameer bycaste Chachar (Now confined at District Jail Ghotki), **through** Mr. Mujeeb-ur-Rehman Malano, Advocate.

The Complainant: Gul Sher son of Ghulam Qadir Chachar, **through** M/s Shabbir Ali Bozdar and Hajjan Shah, advocates.

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

Date of hearing & Orders: 17-09-2026.

ORDER.

Suresh Kumar, J.--- Through, instant bail application, applicant named above seeks post arrest bail in a case bearing crime No. 120/2023, offence u/s 302, 324, 147, 148, 149 PPC registered at Police Station Ubauro, District Ghotki.

2. The facts of the prosecution case, as depicted in the FIR lodged by complainant Gul Sher on 14-06-2023 alleging therein that on 13-06-2023, at the left top of Raini Canal at about 3:00 pm, where accused Deen Muhammad, Shahzado armed with pistols, Imran Ali armed with repeater, Shabbir Ahmed with hatchet, Ashique Hussain armed with gun, Faiz Muhammad, Riaz Ahmed armed with pistols and Abdul Hameed armed with repeater, formed an unlawful assembly, in furtherance of their common object, intercepted the complainant party and threatened them that they would not be spared, saying so, accused Deen Muhammad fired from his pistol at Ali Mardan brother of the complainant, which hit him at his chest, accused Shahzado fired from his pistol at Muhammad Soomar who sustained firearm injuries at his ribs and abdomen. The complainant party raised cries, which attracted to villagers, on seeing them, the

accused persons escaped away from the spot. Thereafter, the complainant saw that his brother Ali Mardan was died and Muhammad Soomar sustained firearm injuries. Ultimately, complainant lodged the above said FIR

3. I have heard learned counsel appearing on behalf of the applicant/accused, learned Deputy P.G for the State assisted by learned counsel for the complainant, who have strongly opposed the bail application.

4. Having given due consideration to the arguments advanced by the learned counsels representing the respective parties, and have perused the relevant record. From the perusal of FIR, it reveals that applicant/accused Deen Muhammad fired from his pistol upon Ali Mardan brother of the complainant, which hit him at his chest and fell down, subsequently, he was died. The version of the complainant is fully supported by PWs in their 161 Cr.P.C statements so also post mortem report; therefore, prima facie sufficient material is available on record to connect the applicant/accused with the commission of offence. Learned counsel for the applicant mainly contended that name of the applicant was placed in column No.II of the challan on the basis of plea of alibi. In similar circumstances, the Hon'ble Supreme Court in the case of Allah Dewayo Shahani Vs. The State through Prosecutor General, Sindh (2023 SCMR 1724) has held as under:-

---S. 497---Penal Code (XLV of 1860), Ss. 302, 324, 114, 147, 148 & 149---Constitution of Pakistan, Art. 185(3)---Murderous assault---Bail, refusal of---In the ocular account a specific role had been ascribed to the accused-petitioner---Admittedly death of deceased was caused due to fire arm injuries---All the accused persons, including the petitioner, were armed with firearm

weapons, the details of which were mentioned in the FIR---Offence was said to have been committed by the petitioner and other co-accused when the complainant party was cultivating their own land, therefore, the possibility of common object which stands for and connotes a prearrangement and common intention/objective of committing the murder of the deceased could not be ruled out---Delay of one day in lodging FIR had already considered by the High Court with ample reasoning which was not fatal to the prosecution case in the given circumstances---Co-accused assigned a similar role to that of petitioner was refused pre-arrest bail by the High Court and he subsequently withdrew his bail application from the Supreme Court, as a result of which he was still behind bars---So far as the plea of alibi was concerned, no proper details were provided to demonstrate that the petitioner was actually behind bars in some other case and on which date and time he was released by the Magistrate in the other case---Petition for leave to appeal was dismissed, and petitioner was refused bail.

5. Similar view has been taken by the Hon'ble Supreme Court in case of Amir Faraz Vs. The State (**2023 SCMR 308**) in which bail was declined on the ground that fatal injury was attributed to accused and version of the complainant was supported by medical evidence. In the instant case, fatal injury is attributed to present applicant and version of complainant is fully supported by medical as well as ocular version. The defence plea taken by applicant requires deeper appreciation which is not allowed at this stage but it will be considered during trial after recording of the prosecution and defense evidence. Moreover, the alleged offence is punishable upto death or life and falls within the prohibitory clause of section 497(1) Cr.P.C.

6. For the foregoing reasons and guidelines taken from the above case laws, I am of considered view that the applicant/accused has failed to

make out the case from gran of bail; therefore, instant bail application is dismissed.

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

J U D G E

Nasim/P.A