THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

1st Criminal Bail No.S-340 of 2026

Applicant: Muhammad Bux son of Wahid Bux Buledi
Through Mr. Asadullah Arbani, Advocate.

The State: Through Mr. Nazir Ahmed Bangwar, Deputy Prosecutor General, Sindh.

Date of hearing: 02.11.2026

Date of Order: 02.11.2026

O R D E R

ARBAB ALI HAKRO, J.- Through this application under section 497 Cr.P.C., the applicant Muhammad Bux son of Wahid Bux Buledi seeks post-arrest bail in Crime No. 08 of 2026 of Police Station Drigh, District Kamber-Shahdadkot, registered under sections 302, 337-A(i) and 34 PPC. His application before the learned 1st Additional Sessions Judge, Kamber, was dismissed on 03.07.2026.

2. The FIR was lodged on 19.02.2026 at 0900 hours by Manthar Ali Buledi. His case is that on 18.02.2026, at about 1230 hours, he, his son Muhammad, his nephew Ali Bux, and his brother Deedar Ali, aged about 60 or 61 years, were passing along the common street near the shop of Ali Phullan when Rashid Ali, armed with an iron rod, and the applicant, armed with a danda, both sons of Wahid Bux, arrived; that Rashid Ali, saying that Deedar Ali had insulted them by exchanging harsh words over the crossing of the street and that he would not be spared, struck Deedar Ali with the iron rod on different parts of his body, and that when Muhammad went forward to rescue him, the applicant struck Muhammad on the head with the danda. Deedar Ali died on the way to hospital at about 1400 hours.

3. Learned counsel for the applicant submits that no blow to the deceased is attributed to the applicant, that the only act assigned to him is a danda blow to the complainant's son, an injury falling under section 337-A(i) PPC, that the question whether he shared any intention to kill is one of further inquiry, that the witnesses are all related to the complainant and that the applicant, in custody since his arrest, is no longer required for investigation.

4. Learned D.P.G. opposes the application on the ground that the applicant came armed with his brother, that a man lost his life and that the

applicant is vicariously liable for the murder under section 34 PPC. Counsel for the complainant did not appear despite repeated calls.

5. Heard and perused the record.

6. The fatal blows are attributed to Rashid Ali alone, with an iron rod, and it is Rashid Ali to whom the FIR attributes the words that Deedar Ali would not be spared. The applicant is not alleged to have struck the deceased at all. The single act assigned to him is a danda blow to Muhammad, a different person, who came forward after the beating of the deceased had begun; the injury so caused is placed by the prosecution itself under section 337-A(i) PPC, punishable with imprisonment up to two years, which lies outside the prohibitory clause. Whether the applicant shared with his brother an intention to kill, as distinct from an intention to cause hurt, is the question on which his liability under section 302 read with section 34 PPC turns, and that is a question for the trial court after recording evidence. On the FIR's own showing, the occurrence was a sudden affair born of a quarrel over crossing a street rather than a pre-planned attack, which makes the inference of a shared murderous intention against the applicant a matter of further inquiry under section 497(2) Cr.P.C.[1] The FIR was lodged the next morning, a delay accounted for by the shifting of the injured, the death on the way and the post-mortem; it does not weigh either way. The enmity set up is the exchange of words over the street, which is the alleged motive and nothing more. The investigation is complete, the challan has been submitted, and the applicant is not required for further investigation.

7. These are the reasons for the short order of even date, by which the application was allowed, and the applicant Muhammad Bux was admitted to post-arrest bail in Crime No. 08 of 2026 of Police Station Drigh, District Kamber-Shahdadkot, subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees one hundred thousand) and a P.R. bond in the like amount to the satisfaction of the trial court.

8. The observations made above are tentative and shall not influence the trial court in deciding the case on its merits. Should the applicant misuse the concession, the prosecution will be at liberty to seek its cancellation in accordance with law.

J U D G E

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[1] *Zafar Iqbal v. Muhammad Anwar* 2009 SCMR 1488; *Shoaib Mehmood Butt v. Iftikhar-ul-Haq* 1996 SCMR 1845.

Manzoor