THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Bail Application No. S-367 of 2026

[Masti Khan Jagirani Vs. The State]

Applicant	**:**	Through Mr. Muhammad Afzal Jagirani, Advocate
The State	**:**	Through Mr. Nazir Ahmed Bhangwar, Deputy Prosecutor General, Sindh
Complainant	**:**	Through Mr. Suhendar Kumar, Advocate
Date of Hearing	**:**	**02-11-2026**
Date of Order	**:**	**02-11-2026**

O R D E R

ARBAB ALI HAKRO, J- Through this bail application under Section 497 Cr.P.C., the applicant/accused Masti Khan seeks admission to post-arrest bail in Crime No.31/2026, registered at Police Station Saddar, Kamber, District Kamber-Shahdadkot, under Sections 364, 302, 201, 148 and 149 PPC. The applicant earlier sought post-arrest bail before the learned 1st Additional Sessions Judge/Model Criminal Trial Court, Kamber, which was dismissed vide order dated 14.07.2026. Hence, he has approached this Court.

2. The prosecution case, as set out in the F.I.R. lodged on 14.02.2026 by complainant Shoaib Shah, is that on 24.01.2026 at about 2130 hours, the applicant and six named co-accused, armed with hatchets, dandas and lathis, along with two unidentified persons, came to the complainant's house and took away his brother, Zuhaib Shah, aged about 24 years, on the pretext of having tea, in the presence of the complainant, his uncle Syed Moosan Shah, and his maternal uncle Bashir Ahmed Shah; that Zuhaib Shah did not return; that on 10.02.2026, when asked about him, the accused gave no satisfactory answer and fled; that thereafter the complainant party found a decomposed and mutilated dead body in a paddy heap on the land of Syed Zameer Shah, which they identified through clothes as that of Zuhaib Shah. The accused are alleged to have abducted and murdered him with a hatchet,

danda and lathi blows and to have concealed the body. The complainant party allegedly found a human leg on a paddy heap and, upon removing the heap, discovered a decomposed dead body, which they identified through clothes as that of Zuhaib Shah. The dead body was taken to Civil Hospital, Kamber, where a post-mortem examination was conducted. It is alleged that the applicant/accused, along with co-accused persons, abducted Zuhaib Shah, caused his murder through hatchet, danda and lathi blows, and thereafter mutilated and concealed his dead body in the paddy heap to destroy evidence of the offence.

3. Learned counsel for the applicant submits that no one witnessed the murder and that the case rests on a "last seen" account given by the complainant's own relatives; that seven persons are nominated jointly, without any individual act, and that the investigating officer himself found one of them innocent and placed him in column No.2 of the challan; that, although the complainant and two relatives claim to have seen the deceased taken away by nine men on 24.01.2026, no report naming the accused was made for twenty-one days, until after the body had been found, and that the FIR assigns no motive; that the body, which the medical officer found unrecognizable, was identified by clothes alone, with no DNA sample retained; that the hatchet recovered from the applicant is unstained and that no serology report appears on record; and that the applicant, in custody since February 2026, is not required for investigation.

4. Learned counsel for the complainant and learned D.P.G. oppose the application on the ground that the applicant is named in the FIR as armed with a hatchet and among those who took the deceased away. The witnesses have supported the FIR. A hatchet was recovered from him. The deceased was murdered and mutilated, and the delay is explained by the time taken to discover the murder.

5. Heard and perused the record.

6. This is not an eyewitness case. Nobody is said to have seen the murder; the applicant is connected with it by the account of three close relatives of the deceased that he was among nine men who took the deceased away, by the accused's alleged evasion when confronted a

fortnight later, by the recovery of a hatchet and by the body. Last-seen evidence is among the weakest forms of circumstantial evidence and requires strong corroboration before it will sustain a conviction;[1] at the bail stage, where it is the only link, it ordinarily makes the case one of further inquiry. What is more, the account itself invites inquiry. Three adult male relatives are said to have watched seven armed men take a young man away at night without protest, to have gone to the accused's village the next morning to ask after him and yet to have made no report naming the accused to any authority until 14.02.2026, after the body had been found and the funeral rites performed and even then without any motive. In a last-seen case, that delay is not a formal lapse; it is the period in which the only persons who could name the abductors did not do so, and it goes to the root of the evidence of complicity. The applicant asserts that on 29.01.2026 the complainant's brother had an entry recorded at the police station stating only that the deceased had left home and had not returned; this is a matter of trial, and the trial court will have to examine it in evidence. Seven persons are named with one undifferentiated role, two unknown persons are added, and the investigating officer has found one of the seven innocent; an omnibus allegation of that kind, with no individual act attributed, is a settled ground of further inquiry.[2] The body was identified by clothes alone, the medical officer having found it unrecognisable, with no DNA sample retained; the hatchet recovered is a common implement, unstained, with no forensic report; a chemical report on the paddy shows only that the body lay there. The brutality of the killing and the mutilation, the complainant party's visit to the accused's village the next morning and the alleged flight of the accused when confronted are matters the trial will weigh; they do not turn a last-seen case resting on a three-week silence into one in which there are reasonable grounds to believe the applicant guilty of a capital offence. The challan has been submitted, and the applicant is not required for investigation. His case falls within section 497(2) Cr.P.C.

7. These are the reasons for the short order of even date, by which the application was allowed, and the applicant Masti Khan was admitted to post-arrest bail in Crime No. 31 of 2026 of Police Station Saddar, Kamber, District

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[1] *Azeem Khan v. Mujahid Khan* 2016 SCMR 274.
[2] *Shoaib Mehmood Butt v. Iftikhar-ul-Haq* 1996 SCMR 1845.

Kamber-Shahdadkot, subject to his furnishing solvent surety in the sum of Rs.200,000/- (Rupees two 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. The trial court is expected to conclude the trial expeditiously, and if the applicant misuses the concession, the prosecution will be at liberty to seek its cancellation in accordance with law.

These are the reasons of short order dated 02.11.2026.

JUDGE

Zulfiqar