THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No.S- 547 of 2026

Applicant	:	**Suleman Jatoi** Through Mr. Alam Sher Khan Bozdar, Advocate.
Complainant	:	**Raza Muhammad** Through Mr. Abdul Raheem Ansari, Advocate.
The State	:	Through Mr. Muhammad Raza Katohar, Deputy Prosecutor General.
Date of Hearing	:	**02-11-2026**
Date of Order	:	**02-11-2026**

O R D E R

TASNEEM SULTANA, J.- Through this Criminal Bail Application, the applicant, Suleman son of Sohbat, seeks post-arrest bail in Crime No.10 of 2023, registered at Police Station Airport, District Sukkur, under Sections 302, 395, 114, 147, 148, 149, 504 and 337-H(ii), P.P.C. His earlier application for the same relief was dismissed by the learned Additional Sessions Judge-V, Sukkur, vide order dated 19.11.2025, hence this application for the same concession.

2. The detailed facts of the case are already set out in the bail application and the FIR and, therefore, need not be reproduced in detail.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated with mala fide intention; that the FIR was lodged with a delay of about one day despite the police station being situated approximately one and a half kilometres from the place of occurrence; that the eyewitnesses are closely related to the complainant and no independent witness has been cited; that the complainant party was the aggressor and counter FIR No.11 of 2023 was registered at the instance of the applicant's party regarding the same occurrence; that the present case is a counterblast and the accused in the counter-case have already been granted bail; that no specific role has been assigned to the applicant and the question as to which party was the aggressor requires determination at trial; and that the applicant would neither abscond nor tamper with the prosecution evidence. He submits that these circumstances

bring the applicant's case within the ambit of further inquiry and prays for grant of post-arrest bail.

4. Conversely, learned Deputy Prosecutor General, assisted by learned counsel for the complainant, opposes the application and contends that the applicant is specifically nominated in the FIR as being armed with a repeater and is assigned the role of pointing weapons at the deceased along with his co-accused; that the eyewitnesses have maintained this account in their examination-in-chief; that the medical evidence supports the prosecution version regarding the firearm injury and resulting death; and that the relationship of the eyewitnesses with the complainant and the delay in registration of the FIR do not justify grant of bail in the circumstances of the case. They further submit that the existence of the counter-case and the concession allegedly granted to the accused therein do not entitle the applicant to the same relief. They maintain that no case for further inquiry is made out and pray for dismissal of the application.

5. Heard. Record perused.

6. It appears from the record that the applicant is specifically nominated in the FIR as being armed with a repeater and present with the other accused. The ocular account attributes to him participation in pointing weapons at the deceased along with his co-accused. The record further shows that the examination-in-chief of six prosecution witnesses was recorded, while their cross-examination was reserved. The eyewitnesses have maintained in their examination-in-chief that the applicant was armed with a repeater and joined his co-accused in pointing weapons at the deceased. The allegation thus extends beyond his mere presence at the scene and prima facie connects him with the occurrence. The contention that no role has been assigned to him is, therefore, not borne out by the record.

7. The ocular account finds support from the medical evidence regarding the firearm injury and resulting death. The relationship of the eyewitnesses with the complainant does not, by itself, furnish sufficient ground to discard their account. As regards the delay in registration of the FIR, the complainant has referred to the hospital, postmortem and funeral proceedings. The record also reflects that the police were informed and the initial police and medical proceedings were undertaken on the day of occurrence. In these circumstances,

the delay, considered with the other material available on record, does not by itself make out a case for further inquiry.

8. Learned counsel for the applicant contends that the present case is a counterblast and relies upon counter FIR No.11 of 2023. The occurrence took place on 04.02.2023, the present FIR was registered on 05.02.2023, whereas the counter-FIR was registered on 06.02.2023. This sequence does not support the contention that the present FIR was lodged in retaliation to the registration of the counter-FIR. As regards the submission that the accused in the counter-case have been granted bail, that circumstance does not, by itself, entitle the applicant to the same relief.

9. It is now well-settled law that, at the bail stage, only a tentative assessment of the evidence is permissible, without undertaking its deeper appreciation. Where there are no reasonable grounds for believing that the accused has committed a non-bailable offence, but sufficient grounds exist for further inquiry into his guilt, he shall be released on bail under Section 497(2), Cr.P.C. The Court must, therefore, examine the material available on record to determine whether reasonable grounds exist for connecting the accused with the alleged offence. The mere possibility that some aspect of the case requires further examination does not, by itself, entitle the accused to bail. Further inquiry must arise from the material which, on tentative assessment, creates doubt regarding his involvement in the crime. In *Iqbal Hussain vs. Abdul Sattar and another* (**PLD 1990 SC 758**), while setting aside the bail granting order of the High Court, the Hon'ble Supreme Court held as follows:-

> **"…… It may straightaway be observed that this Court has in a number of cases interpreted subsection (2) of section 497 Cr.P.C. which, with respect, has not been correctly understood by the learned Judge in the High Court nor has it been properly applied in this case. While he thought that it was a case of further inquiry which element as has been observed number of times in many cases, would be present in almost every case of this type. The main consideration on which the accused becomes entitled to bail under the said subsection is a finding, though prima facie, by the Police or by the Court in respect of the merits of the case. The learned Judge in this case avoided rendering such prima facie opinion on merits as is mentioned in subsection (2) of section 497 Cr.P.C. and relied only on the condition of further inquiry. This approach is not warranted by law. Hence, the case not being covered by subsection (2) of section 497 Cr.P.C., the respondent was not entitled to bail thereunder as of right."**

10. In view of the above facts and circumstances, the applicant has failed to make out a case for grant of post-arrest bail. Consequently, this Criminal Bail Application is dismissed. The observations made herein are tentative and shall not prejudice the learned trial Court in deciding the case on its merits.

J U D G E

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