

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
MIRPURKHAS.

Criminal Bail Application No.S-168 of 2025

Applicant: Bux Ali alias Bakhshal, through
Mr. Muhammad Azhar Arain, Advocate.

Respondent: The State through Mr. Dhani Bakhsh
Mari, Assistant Prosecutor General,
Sindh a/w Inspector Atta Mohiuddin
Jat PS Mangli.

Complainant: Ali Ahmed (Present in person)
Through Mr. Anwar Shahzad
Khattak.

Date of hearing: **19.09.2025**

Date of Order: **19.09.2025**

O R D E R.

AMJAD ALI SAHITO, J:- Through this bail application, the applicant/accused above named seeks his post-arrest bail in Crime No.126 of 2023, under sections 324, 334, 337-H(ii), 504 & 34 PPC, registered at P.S Mangli, after his bail plea was declined by the learned Incharge Additional Sessions Judge-I/MCTC, Sanghar.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Learned counsel for the applicant/accused contends that the applicant is innocent and has been falsely implicated in the instant case with mala fide intent; that the FIR was lodged after an unexplained and inordinate delay of twelve (12) days, which casts serious doubt on the veracity of the allegations. There exists previous enmity between the complainant and the

accused party; that the prosecution witnesses (PWs) are closely related to the complainant and are, therefore, interested witnesses; that there is counter case between the parties and the complainant party is aggressor. He has further argued that the offences with which the applicant/accused is charged do not fall within the prohibitory clause of Section 497(1) Cr.P.C. Learned counsel further submits that the applicant/accused is presently confined in jail and is no longer required for further investigation. In support of his contentions, he has placed reliance on the case of *Muhammad Ijaz v. The State and others* (2022 SCMR 1271).

4. On the other hand, learned A.P.G and learned counsel for the complainant have vehemently opposed the grant of bail to the applicant/accused and they have further argued that the name of the applicant/accused appears in the FIR with a specific role, therefore, he is not entitled for concession of bail. Lastly they have prayed for its dismissal.

5. Heard and perused.

6. From perusal of the record, it transpires that a dispute existed between the parties regarding the rice crop. On the day of the incident, approximately six to seven persons arrived at the place of occurrence and restrained the complainant party from thrashing the rice crop. Upon their refusal, the present incident ensued. It is specifically alleged that one of the accused, namely Ghulam Rasool, fired a straight shot from his Kalashnikov at Khair Muhammad with the intention to kill him, causing a firearm injury on his right leg. The role attributed to the present applicant, Bux Ali alias Bakhshal, is that he fired directly at the complainant's cousin, Hassan, with the intention to kill him, causing a firearm injury on the right side of his neck, as a result of which he fell to the ground. The ocular account of the

incident stands corroborated by the medical evidence, as the injury sustained by the injured Hassan was opined by the medical officer to fall within the ambit of Section 337-F(vi), Pakistan Penal Code (PPC). Furthermore, the statements of the prosecution witnesses/eyewitnesses recorded under Section 161, Cr.P.C., have fully supported the version of the complainant.

7. With regard to the contention of the learned counsel for the applicant that, since counter-cases have been registered by both parties against each other, the applicant is entitled to the concession of post-arrest bail, it is sufficient to observe that the mere lodging of counter or cross cases, without any demonstrable element of bona fides, does not per se constitute a valid ground for the grant of bail.

8. At bail stage, only tentative assessment is to be made. Sufficient material is available on the record to connect the applicant/accused with the commission of alleged offence. Furthermore, no ill-will or malafide is alleged against the complainant party by the applicant even otherwise he has shown in F.I.R with specific role. The facts of the case law relied upon by the learned counsel for the applicant/accused are distinguishable from the facts of the present case.

9. In view of the foregoing circumstances, the learned counsel for the applicant has failed to establish a case warranting the grant of bail within the purview of subsection (2) of Section 497, Cr.P.C. Consequently, the post-arrest bail application filed by the applicant/accused stands dismissed. However, the learned trial Court is directed to expedite the proceedings and endeavor to conclude the same preferably within a period of sixty (60) days.

10. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicants on merits.

JUDGE

Adnan Ashraf Nizamani