

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
LARKANA**

Criminal Bail Application No. S-61 of 2026

<i>Date</i>	<i>Order with signature of Judge</i>
Applicant :	Sudheer son of Allah Dino Ghaloo, <i>through</i> Mr. Muhammad Aslam Jatoi, Advocate
The State :	Through Mr. Nazeer Ahmed Bangwar, Deputy Prosecutor General, Sindh.
Complainant :	Muhammad Haneef son of Ahmed Ali Gadehi, <i>through</i> Mr. Sajid Hussain Mahessar, Advocate
Date of Hearing :	08.06.2026
Date of Order :	08.06.2026

ORDER

Ali Haider 'Ada', J:- Through this application, the applicant, Sudheer son of Allah Dino Ghaloo, seeks post-arrest bail in Crime No.414 of 2025, registered at Police Station Mehar, District Dadu, on the FIR of Muhammad Haneef on 17.11.2025, in detail of an incident alleged to have occurred on 26.10.2025. The FIR was registered for offences punishable under Sections 324, 506-II, 147, 148 and 504, 114, P.P.C. Prior thereto, the applicant approached the learned trial Court for the same relief; however, his bail application was declined vide order dated 06.01.2026.

2. The prosecution case, in brief, is that on 26.10.2025 at about 01:15 a.m., the present applicant, along with his co-accused, allegedly assaulted and caused firearm injuries to the complainant party, resulting in injuries to one Moharam Gadehi on his right elbow and right knee. Subsequently, after obtaining a medical letter, the matter was reported to the police and the instant FIR came to be lodged.

3. Learned counsel for the applicant contends that the FIR has been lodged after an unexplained delay of approximately twenty-one days from the date of the alleged occurrence. He further submits that the injury attributed to the present applicant does not attract the prohibitory clause of Section 497, Cr.P.C. Learned counsel has also pointed out a material inconsistency between the ocular account and the medical evidence, since the injury memo prepared by the investigating agency reflects only a single injury, whereas the prosecution version alleges multiple injuries. He further argues that during the course of investigation, the police found the allegations to be false and disposed of the case under "C" Class; however, the learned Magistrate did not accept such report. According to learned counsel, the findings of the investigating agency are at variance with the ocular version advanced by the complainant. He lastly submits that the applicant was arrested on 20.11.2025, the investigation has already been completed, no recovery remains to be effected from him, and therefore his further detention would serve no useful purpose. He accordingly prays for the grant of post-arrest bail.

4. Conversely, learned counsel for the complainant has opposed the application and submits that a specific and direct role has been assigned to the present applicant, who allegedly fired upon the injured and caused a firearm injury described as through and through in nature. He contends that the ocular account is fully corroborated by the medical evidence and, therefore, the applicant does not deserve the concession of bail. In support of his contentions, learned counsel has placed reliance upon the cases reported as 2020 SCMR 1486 and 2024 P.Cr.L.J. 940, and has prayed for dismissal of the instant bail application.

5. Learned Deputy Prosecutor General, Sindh, while opposing the prosecution case on tentative assessment, has conceded to the

grant of bail on the ground that the record prima facie reflects inconsistencies between the medical evidence and the ocular account, the veracity whereof can only be determined after recording evidence at trial. He further submits that the investigating agency had disposed of the matter under "C" Class, which circumstance also requires consideration at this stage. He, therefore, states that the case of the applicant falls within the ambit of further inquiry and he is entitled to the concession of bail.

6. Heard learned counsel for the parties and perused the material available on record.

7. Upon tentative assessment of the record, it transpires that the complainant party had approached the police station on the very day of the alleged incident, i.e., 26.10.2025, wherefrom medical letters were issued for treatment of the injured persons. Thereafter, the injured were referred for medical examination and treatment. In such circumstances, a pertinent question arises as to why the statement of the complainant or the injured witnesses was not recorded promptly when they had admittedly come into contact with the police machinery and obtained medical letters immediately after the occurrence.

8. The record does not prima facie disclose any plausible explanation for the delay of approximately twenty-one days in lodging the FIR. Such unexplained delay, particularly when the complainant party had access to the police on the date of the incident itself, creates a serious dent in the prosecution case and renders the possibility of deliberation and consultation before registration of the FIR a matter requiring consideration. At this tentative stage, the delay appears to cast serious doubt upon the veracity and authenticity of the prosecution version. In this regard,

reliance may aptly be placed upon the case of *Mazhar Ali v. The State* (2025 SCMR 318).

9. The next aspect requiring consideration is the opinion formed by the investigating agency during the course of investigation. The record reveals that the case was initially disposed of under "C" Class, as the investigating agency was of the view that no tangible or incriminating material had surfaced against the present applicant. Consequently, the police concluded that the allegations levelled against him were not substantiated by the evidence collected during investigation. No doubt, the opinion of the investigating agency is not binding upon the Court and is merely an *ipsi dixit* of the police; however, where such opinion forms part of the record, the same cannot be brushed aside altogether and may tentatively be taken into consideration while assessing the merits of a bail application. It is a settled principle of law that although the Court is not bound by the conclusions of the Investigating Officer, the findings reached during investigation constitute a relevant circumstance for tentative assessment at the bail stage. In this regard, reliance may beneficially be placed upon the judgment of the Hon'ble Supreme Court of Pakistan in *Abdul Rehman v. The State* (2023 SCMR 2081).

10. The next aspect requiring consideration is the apparent inconsistency between the ocular account and the medical evidence available on record. It is now a settled proposition of law that, while deciding a bail application, the Court is not precluded from tentatively examining the merits of the case to the extent necessary for reaching a just and proper conclusion. In this regard, the Hon'ble Supreme Court of Pakistan, in *Abdul Rehman alias Muhammad Zeeshan v. The State and others* (2023 SCMR 884) and *Khair Muhammad and another v. The State* (2021 SCMR 130), has held that a merits of the case can be touch upon, so Keeping in view the

aforesaid legal principle, the record has been tentatively examined. Such examination prima facie reveals that the injury memo prepared during investigation is not in consonance with either the medical documents or the ocular account furnished by the prosecution witnesses. The prosecution alleges two firearm injuries; however, the documentary evidence available on record appears to reflect a different factual position. This discrepancy creates a question which can only be resolved after recording evidence and conducting a full-fledged trial. It is further a well-established principle that where the medical evidence is at variance with the ocular testimony, the benefit of such inconsistency ordinarily accrues to the accused at the bail stage. In this regard, reliance may be placed upon the judgments rendered in *Ehsan Akbar v. The State and others* (2007 SCMR 482), *Mst. Yasmin Butt v. Majid Baig alias Bobby Pehlwan and another* (2008 SCMR 1602), *Muhammad Ramzan v. Rahib and others* (PLD 2010 SC 585), *Khalid Mehmood and another v. Muhammad Kashif Rasool and others* (2013 SCMR 1415), *Syed Khalid Hussain Shah v. The State and another* (2014 SCMR 12), *Awal Khan and others v. The State through A.G., KPK and another* (2017 SCMR 538), and *Mir Muhammad v. The State through Prosecutor General Sindh* (2024 SCMR 805).

11. It is by now a settled principle of criminal jurisprudence that the benefit of doubt is not confined to the stage of trial alone; rather, the same may also be extended at the bail stage where the material available on record, on tentative assessment, creates a reasonable doubt regarding the involvement of the accused in the commission of the alleged offence. In the present case, the cumulative effect of the unexplained delay in lodging the FIR, the opinion of the investigating agency declaring the applicant innocent and placing him in Column No. II, coupled with the apparent inconsistency

between the medical evidence and the ocular account, prima facie creates reasonable grounds for further inquiry into the guilt of the applicant. Consequently, the applicant has succeeded in making out a case for the grant of bail. In this regard, reliance may beneficially be placed upon the judgment of the Hon'ble Supreme Court of Pakistan in *Naveed Sattar v. The State* (2024 SCMR 205).

12. For the foregoing reasons and discussions, the instant Criminal Bail Application is allowed. Consequently, the applicant is admitted to post-arrest bail, subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court.

13. Needless to observe that the findings and observations made hereinabove are purely tentative in nature, confined solely to the determination of the present bail application. The learned trial Court shall decide the matter independently, strictly in accordance with law and on the basis of the evidence that may be brought on record, without being influenced in any manner by the observations contained in this order.

JUDGE