

IN THE HIGH COURT OF SINDH CIRCUIT COURT
LARKANA

Criminal Bail Application No. S-87 of 2026

&

Criminal Bail Application No. S-365 of 2026

Before:
Mr. Justice Ali Haider 'Ada'.

Applicants:

Sheraz Ali and Ayaz Ali, *through* Mr. Habibullah G. Ghouri, Advocate. (Cr. Bail Appln. No. S-87/2026)

Applicant:

Nadir Detho, *through* Mr. Habibullah G. Ghouri, Advocate. (Cr. Bail Appln. No. S-365/2026)

Complainant:

Siraj Ahmed, *Through* Mr. Ghulam Murtaza Tunio, Advocate.

The State:

Through Mr. Nazir Ahmed Bangwar, Deputy Prosecutor, General Sindh.

Date of Hearing : 05-10-2026
Date of Order : 05-10-2026.

ORDER

Ali Haider 'Ada' J.- Bail Application No.87 of 2026 has been filed by applicants Sheeraz Ali and Ayaz Ali, seeking pre-arrest bail, whereas Bail Application No.365 of 2026 has been filed by applicant/accused Nadir Detho, seeking post-arrest bail. Both applications arise out of the same FIR No.03 of 2026, registered at Police Station Mahota, for offences punishable under Sections 302, 364, 201 and 34, P.P.C.

2. The crux of the prosecution case is that the FIR was lodged on 13.01.2026, whereas the alleged date of incident is 06.01.2026. It is alleged that the accused persons, including the present applicants, duly armed, forcibly kidnapped the son of the complainant, namely Faraz Ahmed, allegedly on account of a

matrimonial dispute. Subsequently, information was received through mobile phone and social media regarding recovery of a dead body, whereafter the present applicants were implicated in the case. The applicants approached the learned Additional Sessions Judge-III, Larkana, and Additional Sessions Judge-IV, Larkana, for bail; however, their applications were dismissed.

3. Learned counsel for the applicants submits that there is no allegation attributing the commission of murder to the present applicants. He further submits that during trial, the statements of three prosecution witnesses have already been recorded and none of them has supported the prosecution case. The relevant depositions have been placed on record. According to learned counsel, the applicants have a strong case for consideration of bail, as the prosecution case suffers from material infirmities.

4. Learned counsel for the complainant has also raised no objection to the grant of bail, submitting that, in fact, the complainant party had not implicated the present applicants in the commission of the alleged murder.

5. On the other hand, learned Deputy Prosecutor General submits that the matter may be left to the learned trial Court for a final determination after conclusion of the evidence.

6. Heard and perused.

7. The material placed on record, particularly the evidence of the prosecution witnesses already recorded before the learned trial Court, prima facie indicates that there is no direct evidence connecting the present applicants with the commission of murder. None of the witnesses examined before the trial Court has supported the prosecution case to the extent of attributing the commission of murder to the present applicants. So far as the allegation relating to Section 364, P.P.C. is concerned, the same also requires determination on the basis of evidence, particularly when the evidence so far recorded does not provide sufficient support to the prosecution version against the present applicants.

8. It is settled that the benefit of doubt may be extended to an accused even at the stage of bail where the facts and circumstances of the case so warrant. The fundamental principle of criminal jurisprudence is that the prosecution is required to establish the guilt of an accused beyond reasonable doubt, and such principle remains relevant at all stages of the proceedings, including the pre-trial stage and while determining entitlement to bail. Reliance is placed upon **Fayaz Khan v. Mohsin Shah (2026 SCMR 1076)**.

9. In view of the foregoing facts and circumstances, Bail Application No.87 of 2026, filed by applicants Sheeraz Ali and Ayaz Ali, who are already on interim pre-arrest bail granted vide order dated 23.02.2026, is hereby confirmed on the same terms and conditions. So far as Bail Application No.365 of 2026, filed by applicant Nadir Detho, is concerned, the same is allowed and his post-arrest bail is granted subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees one hundred thousand only) and P.R. bond in the like amount to the satisfaction of the learned trial Court.

J U D G E