

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

Criminal Bail Application No.S-391 of 2026

Applicant : Gulab son of Allahndo by caste
Shaikh, *Through* Mr. Habibullah G.
Ghouri, Advocate.

The State : *Through* Mr. Nazeer Ahmed
Bangwar, Deputy Prosecutor
General, Sindh.

Complainant : Muhammad Aslam s/o Gul
Muhammad Shaikh, *Through* Mr.
Ghulam Rasool Narejo, Advocate.

Date of hearing : 14.09.2026.
Date of Order : 14.09.2026.

ORDER

Ali Haider 'Ada' J:- Through this bail application, the applicant seeks post-arrest bail in F.I.R. Crime No.88 of 2024, registered at Police Station Naudero, for offences punishable under Sections 302 and 34 P.P.C. The F.I.R. was registered on 10.08.2024, and the date of incident is also shown as 10.08.2024. Prior to this, the applicant approached the learned Additional Sessions Judge, Ratodero, however, his bail application was declined vide order dated 27.07.2026.

2. The crux of the prosecution case is that the applicant, along with other accused, allegedly assaulted the deceased Ayaz Ali. The present applicant is alleged to have been armed with a lathi and to have caused a lathi blow to the deceased on his right foot, whereas the other accused allegedly subjected the deceased to strangulation. Thereafter, the F.I.R. was lodged.

3. Learned counsel for the applicant submits that the role attributed to the present applicant does not relate to causing any

fatal injury to the deceased. He submits that although the applicant is alleged to have been armed with a lathi, the injury attributed to him was on a non-vital part of the body. He further submits that the applicant has remained in custody since 25.08.2024 and that no lathi has been recovered from his possession. He, therefore, prays for grant of post-arrest bail.

4. On the other hand, learned counsel for the complainant submits that the alleged offence falls within the prohibitory clause of Section 497 Cr.P.C. and that the present applicant also caused injury to the deceased. He further submits that the accused persons have prolonged the trial and are not proceeding with the same, in support whereof he has placed on record the case diaries of the learned trial Court. He, therefore, submits that the applicant is not entitled to the concession of bail.

5. Conversely, learned Deputy Prosecutor General submits that the alleged offence falls within the prohibitory clause of Section 497 Cr.P.C. However, with regard to the cause of death, he refers to the postmortem report and submits that the fatal injuries do not correspond to the injury attributed to the present applicant. He further submits that the trial be concluded within the stipulated time and the matter be decided on its own merits.

6. Heard and perused the record.

7. From the perusal of the record, it transpires that no vital injury has been attributed to the present applicant. Whether the injury allegedly caused by him had any nexus with the death of the deceased is a matter to be determined by the learned trial Court after recording evidence. No doubt, the alleged offence falls within the prohibitory clause of Section 497 Cr.P.C.; however, mere applicability of the prohibitory clause, by itself, is not a valid ground to decline the concession of bail where the case otherwise calls for

further inquiry. Reliance in this regard is placed upon **Muzamil Hussain v. The State (2026 SCMR 917)**.

8. Furthermore, the injury attributed to the present applicant was allegedly caused on a non-vital part of the deceased's body. The medical evidence, prima facie, does not suggest that the injury attributed to the present applicant was one of the injuries responsible for causing the death of the deceased. Thus, the role attributed to the applicant requires further probe within the meaning of Section 497(2) Cr.P.C. Reliance in this context is placed upon **Asad Khalil v. The State (2026 SCMR 914)**.

9. Additionally, no recovery of the alleged weapon, i.e., lathi, has been effected from the possession of the present applicant. Though recovery is not, by itself, determinative of the question of bail, the absence of recovery, coupled with the nature of the injury attributed to the applicant and the medical evidence available on record, constitutes another circumstance requiring further consideration. Reliance in this regard is again placed upon **Muzamil Hussain (supra)**.

10. Keeping in view the aforesaid facts and circumstances, the case of the present applicant squarely falls within the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C. Accordingly, the instant bail application is allowed and the applicant is granted post-arrest bail, subject to his furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac) and P.R. bond in the like amount to the satisfaction of the learned trial Court.

11. The learned trial Court is directed to proceed with the trial expeditiously and conclude the same at the earliest. No unnecessary adjournment shall be granted to either party, and all concerned shall cooperate in the expeditious disposal of the case.

JUDGE