

IN THE HIGH COURT OF SINDH CIRCUIT COURT
LARKANA

Criminal Bail Application No. S- 317 of 2026

Applicant : Javed son of Jalaluddin Choliyani,
through Mr. Safdar Ali G. Bhutto,
Advocate.

The State : Through Mr. Nazir Ahmed Bhangwar,
Deputy Prosecutor General, Sindh.

Complainant : Zadi Khatoon through Mr. Habibullah
G. Ghouri, Advocate

Date of Hearing : 21.09.2026
Date of Order : 21.09.2026

ORDER

Ali Haider 'Ada' J.- Through this post-arrest bail application, the applicant seeks bail in Crime No.01/2021, registered at Police Station Karampur, for offences punishable under Sections 302, 337-H(2), 148 and 149, P.P.C. The date of incident is mentioned as 09.01.2021, whereas the FIR was lodged on 10.01.2021. Prior to approaching this Court, the applicant had approached the learned Additional Sessions Judge-I, Kandhkot, who dismissed his bail application vide order dated 27.11.2025.

2. The crux of the prosecution case is that the present applicant, armed with a Kalashnikov, allegedly present in the occurrence and incurred vicarious liability along with the co-accused, who allegedly committed the murder of deceased Meer Hazar alias Jameel and Sain Bux alias Babu.

3. Learned counsel for the applicant submits that the applicant's name appears in the FIR only with an allegation of his presence and that no specific role in the commission of the murders has been attributed to him. He contends that the question of vicarious liability, if any, is to be determined at the trial.

4. On the other hand, learned counsel for the complainant as well as learned Deputy Prosecutor General submit that a specific allegation attracting vicarious liability has been levelled against the applicant and that the offences fall within the prohibitory clause of Section 497, Cr.P.C.; hence, the applicant is not entitled to the concession of bail.

5. Heard and perused.

6. Upon perusal of the record, it transpires that the applicant is nominated in the FIR, but the role attributed to him is confined to his alleged presence, whereas the specific allegations regarding the commission of the fatal acts have been levelled against the co-accused. The allegation that the remaining accused made aerial firing, by itself, does not establish the applicant's participation in the commission of the murders. Whether the applicant incurred vicarious liability for the acts of the co-accused is a matter requiring determination at trial. Reliance in this regard is placed upon **Binyameen v. The State (2026 SCMR 99)**.

7. The record further reflects that the applicant was found innocent by the Investigating Officer during investigation. Such material may be taken into consideration at the bail stage, particularly where the role attributed to the applicant otherwise calls for further inquiry. Reliance is placed upon **Abdul Rehman v. The State (2023 SCMR 2081)**.

8. In view of the foregoing, the case of the applicant calls for further inquiry within the meaning of Section 497(2), Cr.P.C. The applicant has remained behind bars and is no longer required for further investigation. Accordingly, he has made out a case for grant of post-arrest bail. Consequently, the applicant is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) with P.R. bond in the like amount to the satisfaction of the learned Trial Court.

Needless to observe that the above observations are tentative in nature and shall not prejudice the case of either party at the trial.

JUDGE