

IN THE HIGH COURT OF SINDH CIRCUIT COURT
LARKANA

Criminal Bail Application No. S-389 of 2026

Before;

Mr. Justice Ali Haider 'Ada'.

Applicant	:	Danyal son of Ismail Soomro, through Mr. Habibullah G. Ghouri, Advocate.
The State	:	Through Mr. Nazir Ahmed Bangwar, Deputy Prosecutor General Sindh.
Complainant	:	Through Mr. Athar Abbas Solangi, Advocate.
Date of Hearing	:	21.09.2026
Date of Order	:	21.09.2026.

ORDER

Ali Haider 'Ada' J.- The applicant seeks post-arrest bail in Crime No.127/2026, registered at Police Station Kamber City, for offences punishable under Sections 279, 322, 337-G and 427, PPC. Prior to approaching this Court, the applicant moved a bail application before the learned Additional Sessions Judge-I, Kamber, which was dismissed vide order dated 06.08.2026.

2. The crux of the prosecution case is that the applicant, being the driver of the vehicle, drove the same at an excessive speed and, due to such negligent act, caused *Qatl-bis-Sabab* of the complainant's sister, namely Mst. Gul Bibi, and one Mahboob Ali, besides causing injuries to the complainant's nephew and niece, namely Javed Ali and Mst. Sartaj Khatoon, as well as Sadam, Abdul Jabbar,

Muhammad Punhal and Akhtiar. The incident was accordingly reported to the police.

3. Learned counsel for the applicant mainly contended that, considering the nature of the occurrence, Section 320, PPC, which is bailable in nature, was attracted. It is further argued that the question as to whether the offence would ultimately fall within the ambit of *Qatl-i-Khata* or *Qatl-bis-Sabab* is a matter to be determined after recording of evidence at trial and, at this stage, the applicant is entitled to the concession of bail. Reliance was placed upon 2021 YLR 1959, 2023 P.Cr.L.J. 1401, 2023 P.Cr.L.J. Note 75, 2022 P.Cr.L.J. Note 40 and 2020 SCMR 315.

4. Conversely, learned counsel for the complainant submitted that the case cannot be treated as a simple case of *Qatl-i-Khata*, as the applicant not only caused the death of two persons but also caused injuries to several other persons, some of whom have allegedly suffered permanent disability. It is contended that the mere fact that a particular offence may, in a given circumstance, be bailable does not confer an impulsive entitlement to bail where the consequences of the alleged negligent act are grave and the applicability of the relevant penal provisions requires examination. Reliance is placed upon the judgment of the Lahore High Court in Criminal Miscellaneous Application No.5377-B of 2026.

5. Learned Deputy Prosecutor General, Sindh, also supported the order of the learned trial Court and submitted that the nature and consequences of the alleged act do not justify grant of bail at this stage.

6. Heard and perused.

7. The applicant is nominated in the FIR and, according to the prosecution, was arrested on 12.05.2026. It is further alleged that he

failed to produce any valid driving license, while the vehicle involved in the occurrence was also recovered by the prosecution.

8. As regards the offence punishable under Section 322, PPC, the same is non-bailable in nature; therefore, the applicant cannot claim bail as a matter of right. The contention that the applicability of *Qatl-bis-Sabab* or *Qatl-i-Khata* requires deeper appreciation of the material is a matter which cannot be finally determined at the bail stage. At this stage, only tentative assessment of the available material is permissible. Reliance in this regard may be placed upon **Atta Muhammad v. The State, 2005 P.Cr.L.J. 1648.**

9. In the present case, two persons have lost their lives and seven others have sustained injuries in the alleged occurrence. It is further the prosecution case that some of the injured persons have suffered serious and permanent consequences. The nature of the occurrence and its consequences, therefore, cannot be viewed lightly at this stage, particularly when the precise applicability of the relevant penal provisions is itself a matter requiring determination on the basis of evidence.

10. At the tentative assessment stage, the material available on record does not warrant extending the concession of post-arrest bail to the applicant. The grounds urged by learned counsel require deeper appreciation of the evidence, which is not permissible at this stage.

11. In view of the foregoing facts and circumstances, the applicant has failed to make out a case for grant of post-arrest bail. Accordingly, the instant bail application is hereby dismissed.

J U D G E