

ORDER SHEET
**IN THE HIGH COURT OF SINDH CIRCUIT COURT
MIRPURKHAS**

Criminal Bail Applications No.S-511 of 2026

Applicant:	Allah Bachayo S/o Allah Dad through Mr. Aziz Ahmed Laghari, Advocate.
Respondent:	The State through Mr. Shahzado Saleem, A.P.G Sindh along with I.O.
Complainant:	Ghulam Hussain S/o Majno Khaskheli (present in person).
Date of hearing:	05.10.2026.
Date of order:	05.10.2026.

ORDER

RIAZAT ALI SAHAR, J:- Through the instant bail application, applicant Allah Bachayo son of Allah Dad seeks confirmation of pre-arrest bail in Crime No.58 of 2025, registered at Police Station Taluka Tando Adam, District Sanghar, for offences punishable under Sections 302, 201 and 34 PPC. His earlier application for pre-arrest bail was dismissed by the learned Additional Sessions Judge-II, Tando Adam, vide order dated 25.09.2026.

2. The facts and particulars of the prosecution case are already set out in the FIR, a copy whereof is annexed with the bail application; therefore, unnecessary reproduction thereof is avoided in view of the principle laid down in PLD 2014 SC 458.

3. Learned counsel for the applicant contends that the applicant has been falsely implicated in the case and that no reasonable grounds exist to connect him with the commission of the alleged offence. He submits that the FIR was initially registered against unknown persons and the applicant was neither named therein nor assigned any role. According to him, the applicant was subsequently nominated through a supplementary statement of the complainant recorded after an unexplained delay of more than five months, without disclosure of the source or basis upon which the complainant allegedly came to know about his involvement. Learned counsel further submits that there is neither any eyewitness account nor any independent corroborative material connecting the applicant

with the alleged occurrence and no specific overt act has been attributed to him. It is further pleaded that the applicant was a juvenile at the relevant time and, therefore, entitled to the safeguards available under the Juvenile Justice System Act, 2018. Lastly, it is submitted that the applicant has no previous criminal record and that, in the circumstances of the case, his intended arrest would serve no useful purpose and would amount to unnecessary humiliation and harassment. He, therefore, seeks confirmation of the interim pre-arrest bail.

4. Conversely, learned A.P.G. as well as learned counsel for the complainant oppose the application. They, however, candidly concede that the applicant was not nominated in the FIR and his name surfaced subsequently through a supplementary statement of the complainant. According to them, the pleas relating to delayed nomination, juvenility and false implication are matters requiring determination during trial and do not, by themselves, entitle the applicant to the extraordinary concession of pre-arrest bail. They accordingly pray for dismissal of the application.

5. I have heard learned counsel for the applicant, learned A.P.G. and learned counsel for the complainant and have carefully examined the material available on record.

6. Admittedly, the applicant is not named in the FIR, which was initially registered against unknown persons. His name surfaced for the first time through a supplementary statement of the complainant recorded after a lapse of more than five months from the alleged occurrence. What assumes significance at this stage is that the complainant has neither disclosed the source of his subsequent information nor explained the circumstances in which, after such a considerable lapse of time, he came to know about the alleged involvement of the applicant. No satisfactory explanation has been offered for such belated nomination, particularly when the complainant is the father of the deceased.

7. The record further reflects that no specific overt act has been attributed to the applicant and, at least at this stage, no direct, independent or confidence-inspiring material has been pointed out which could prima facie connect him with the commission of the

alleged offence. The occurrence itself was unwitnessed, whereas the applicant's subsequent implication rests upon a belated supplementary statement, the source and foundation whereof have not been disclosed. The evidentiary worth of such subsequent nomination, therefore, requires deeper scrutiny at the trial and cannot safely be determined against the applicant at the bail stage.

8. It is well settled that while considering a bail application, the Court is required to undertake only a tentative assessment of the material available on record and is not expected to embark upon a deeper appreciation of evidence. Likewise, although pre-arrest bail is an extraordinary relief, its object is to protect an innocent person from unnecessary arrest, humiliation and harassment where the circumstances *prima facie* indicate false implication, ulterior considerations, or where the available material makes the accused's involvement a matter requiring further inquiry. In the present case, the cumulative effect of (i) the applicant not being named in the FIR; (ii) his nomination after more than five months through a supplementary statement; (iii) non-disclosure of the source or basis of the complainant's subsequent knowledge; (iv) absence of any specific overt act attributed to the applicant; and (v) lack of direct or independent corroborative material connecting him with the occurrence, is sufficient, at this tentative stage, to bring his case within the ambit of further inquiry.

9. In these circumstances, no useful purpose would be served by committing the applicant to custody merely on the strength of his belated nomination, particularly when the material presently available against him requires further probe and assessment during trial. The prosecution shall, of course, be at liberty to establish its case through legally admissible evidence before the learned trial Court, which shall assess the same independently and without being influenced by any observation made herein.

10. For the foregoing reasons, the applicant has succeeded in making out a case for confirmation of the interim pre-arrest bail. Consequently, the instant bail application is **allowed**, and the interim pre-arrest bail already granted to applicant Allah Bachayo son of Allah Dad is hereby confirmed on the same terms and conditions. Needless to observe that all observations made herein are purely

tentative in nature, confined to the disposal of the instant bail application, and shall not prejudice the case of either party before the learned trial Court.

JUDGE

Adnan Ashraf Nizamani