

**HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD**

Cr. Bail Application No.S-441 of 2025.

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objection(s).
	2. For hearing of main case.

23.06.2025.

Mr. Sher Dil Ansari, Advocate for Applicant / Accused.

Mr. Poonjo Ruplani, Advocate for Complainant.

Ms. Safa Hisbani, A.P.G for the State a/w Inspector/IO Ghulam Qadir Massan from SSOIU CIA Badin.

**ORDER**

Muhammad Osman Ali Hadi, J:- Through instant Bail Application, the Applicant/ Accused namely, Niaz s/o Gullan Junejo seeks post arrest bail in Crime No.53/2025, registered at Police Station Badin for the offence U/s 302, 377,-B, 34-PPC. Earlier bail plea of the Applicant/Accused was declined by the learned 2<sup>nd</sup> Additional Sessions Judge, Badin vide order dated 22.03.2025.

2. The details and particulars of the FIR are already available in the bail application and FIR, the same could be gathered from the copy of the FIR attached with such application, and hence need not be reproduced.

3. Learned Counsel for Applicant/Accused argued that the Applicant/Accused is innocent and has not committed any offence as has been alleged in the FIR. He further contended that the allegations are false, fabricated & concocted; that there are no reasonable grounds to believe that the Applicant/Accused is guilty; that the Applicant / Accused is a minor about 13/14 years of age; that as per Ossification test, the Applicant / Accused is a minor and he is very much entitled for concession of bail. He further contended that no specific role was given to the Applicant / Accused and only guilt or otherwise of the Applicant / Accused could be

proved by Trial Court after recording evidence, however, at this bail stage Applicant / Accused is entitled for concession of bail and accordingly the same should be granted.

4. The learned Counsel for the Complainant argued at some length and contended that the murder of the complainant's minor son was committed in a very brutal manner, and that whether or not the accused is a minor, due to the heinous nature of crime, he is not entitled for concession of bail. He prayed for dismissal of bail plea.

5. On her turn, the learned A.P.G vehemently opposed for grant of bail and stated that there was clear ocular as well as medical evidence showing the accused involvement, which does not entitle the Applicant / Accused for concession of bail. She further states that the father and brother of the deceased are witnesses and have directly implicated the Applicant / Accused. She further states that there was extreme violence conducted with the assault on the deceased, and the crime being heinous in nature, disentitles the Application / Accused for concession of bail. Lastly, she prayed for dismissal of bail plea.

6. Arguments heard. Record perused.

7. A tentative assessment of record reflects that the Applicant/ Accused has not been able to make out case for grant of bail. Without getting into the merits of the case, it appears that a murder of a minor was committed in a very brutal manner. At bail stage, only a tentative assessment is to be made. Nothing has been brought on record to show any ill-will or mala fide on the part of the complainant, as to why the Applicant / Accused has been nominated by the father and brother of the deceased. Prima facie, there was no previous enmity between the parties to claim malafide on the part of complainant to book the applicant in the crime. Besides, the medical as well as ocular testimony supports the case of the complainant. Given the victim's age and the serious nature of the allegations, this court has decided to deny post-arrest bail to the applicant at this stage for the reason that severe punishment for offenses under Section 377-A & 302 PPC is provided, which makes it a non-bailable offense. The unnatural death of the deceased minor boy has been confirmed by MLO. The offense for which the applicant is allegedly involved is a heinous offense against society. Additionally, the

punishment for section 302 is death or life imprisonment, as such the offense falls within the prohibitory clause of Section 497 Cr.P.C.

8. In these circumstances; I am of the considered view that the applicant has not made out his case for a grant of post-arrest bail. Accordingly, the instant Criminal Bail Application stands **dismissed**.

9. The observations made hereinabove are tentative only to decide the instant bail application, which shall not, in any manner, influence the learned Trial Court at the time of the final decision of the subject case.

JUDGE

Ali.