

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

1st Criminal Bail No. S-64 of 2025

Applicant: Amanullah son of Hidayatullah Bhutto
Through Mr. Zaib Hussain Pathan,
Advocate.

The State: Through Mr. Ali Anwar Kandhro, Additional
Prosecutor General, Sindh.

Complainant: Liaquat Ali Bhutto
Through Mr. Mazhar Ali Bhutto, Advocate

Date of hearing: 16.07.2025

Date of Judgment: 16.07.2025

ORDER

KHALID HUSSAIN SHAHANI, J. –Applicant Amanullah Bhutto seeks post arrest bail in a case bearing Crime No. 39 of 2024, registered at Police Station Akil, for offences under Sections 302, 337-H(ii), and 34 PPC. His earlier bail plea was declined by the learned Additional Sessions Judge-III, Larkana, vide order dated 24.01.2025.

2. As per the prosecution, on 19.09.2024 at about 1630 hours, the complainant along with his brother Sajid Ali (aged about 18 years) and Sher Muhammad Bhutto visited their orchard land located in Deh Bagho Wighamil. There, co-accused Muhammad Ayub Bhutto along with two unidentified persons allegedly intercepted them. Co-accused Ayub was stated to have objected to their presence and allegedly fired upon Sajid Ali, resulting in his death. Consequent upon; case was registered inter alia on above facts.

3. Importantly, the applicant was not nominated in the FIR. His name surfaced for the first time in the supplementary statements of the complainant and witnesses recorded on 04.12.2024, nearly two and a half months after the alleged incident without plausible explanation offered for such an inordinate delay. No source of information or independent corroboration is shown to substantiate the identity of the applicant as one of the alleged assailants. Moreover, no identification parade was held before the Magistrate concerned to test the veracity of this belated assertion. The only role attributed to the applicant stems from these supplementary statements without direct or supporting material.

4. Learned counsel for the applicant has contended that the delayed implication of the applicant, without independent corroboration, amounts to an afterthought and smacks of mala fide due to prior animosity between the parties over land disputes. He further submitted that all the PWs are closely related inter se and no independent or neutral witness has been cited. Additionally, the applicant is a 60-year-old diabetic patient and has no previous criminal record. He is no longer required for further investigation.

5. On the other hand, learned counsel for the complainant opposed the application while denying any relationship between the parties. Learned Additional Prosecutor General adopted the arguments but did not advance any strong rebuttal regarding the delay and lack of corroboration.

6. From a tentative appraisal of the record, it is evident that the name of the present applicant was introduced much after the

registration of the FIR, without any plausible explanation. The Hon'ble Supreme Court of Pakistan in *Syed Saeed Muhammad Shah and others v. The State* (1993 SCMR 550) has authoritatively held that "statements recorded by the police after delay and without explanation are to be ruled out of consideration." Furthermore, in *Muhammad Tanveer v. The State* (PLD 2017 SC 733), it was reiterated that where the prosecution version suffers from material improvements and contradictions, benefit of doubt can be extended even at the bail stage. The failure to conduct a test identification parade before a Magistrate, despite the prosecution's claim that the accused were previously unknown, is a significant omission that weakens the reliability of subsequent statements.

7. In the present case, where the principal role of firing is assigned to co-accused Muhammad Ayub, the implication of the applicant through supplementary statements recorded after more than two months in the absence of any identification parade, independent corroboration, or recovery from the applicant renders the prosecution case against him highly doubtful. In an identical case *Muhammad Irfan v. The State* (2014 SCMR 1347), the Supreme court admitted the accused on bail by observing that accused was not alleged to have caused any firearm injury either to to deceased or eye witnesses. Deseased received only one firearm injury, which was attributed to co accused. Question of accused's guilt required further inquiry in such circumstances.

8. These features bring the matter squarely within the purview of "further inquiry" as contemplated under Section 497(2) Cr.P.C.

Resultantly, the applicant has made out a case for the grant of post-arrest bail. Accordingly, the instant bail application is allowed. The applicant Amanullah Bhutto is admitted to bail subject to his furnishing a solvent surety in the sum of Rs.200,000/- (Rupees Two Hundred Thousand only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court.

9. Needless to mention, the observations made hereinabove are tentative in nature and shall not prejudice the case of either party during the course of trial.

JUDGE

Asghar Altaf/P.A