

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No. S-296 of 2025

Applicant: Nazeer Ahmed *through* Mr. Amjad Ali Bhutto,
Advocate

Respondent: The State, *through* Mr. Mansoor Ahmed Shaikh,
Deputy Prosecutor General, Sindh

Date of hearing: 24.7.2025

Date of decision: 24.7.2025

ORDER

Muhammad Jaffer Raza, J.- Through captioned criminal bail application, applicant Nazeer Ahmed son of Mubarak Lohar, seeks post-arrest bail in FIR No.02/2020, registered at P.S Newpind, Sukkur for the offence punishable under Sections 302, 311 and 34 PPC.

2. Learned counsel for the applicant has contended that the FIR was lodged on 10.01.2020 whereas the incident took place on 09.01.2020. He has further stated that he was not present at the scene of the crime and only found out about the above noted FIR when co-accused Manzoor was acquitted and he informed the present applicant that his name also features in the above noted FIR. Thereafter, according to the learned counsel he filed the pre-arrest bail application which was recalled vide order dated 07.03.2025. Subsequently he filed post-arrest and the same was declined vide impugned order dated 21.03.2025. Learned Counsel has argued that co-accused Manzoor has already been acquitted by this Court vide judgment dated 16.10.2023 in Criminal Appeal No.S-71 of 2020. He has therefore, prayed that at the very least he is entitled for the concession of bail in light of the above noted acquittal of co-accused Manzoor.

3. Conversely, learned DPG has argued that there is difference between the role of the present applicant and the co-accused Manzoor as the present applicant was found in possession of a pistol which was not the case in the case of co-

accused Manzoor. He has further argued that the present applicant was absconder and fugitive from law and he fled the scene of the crime and therefore, he is not entitled for the concession of bail.

4. I have heard the learned counsel for the respective parties and perused the record available before me.

5. I have thoroughly perused the judgment of this Court dated 16.10.2023 passed in Criminal Appeal No.S-71 of 2020. It is apparent from perusal of above noted judgment that complainant ASI Irshad Ali did not see the commission of the offence. Further it is also evident from the perusal of the above noted judgment that no other witness was produced by the prosecution and this was the reason, for which, co-accused Manzoor was acquitted. The possession of the pistol by the present applicant, in the circumstances of this case, is circumstantial evidence at best. It is apparent that there is no direct oral evidence connecting the applicant to the commission of the offence, as required under Article 70 of the Qanun-e-Shahadat Order, 1984.

6. In light of the above noted circumstances, the applicant is admitted to bail subject to his furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Lacs), along with personal bond in the like amount, to the satisfaction of trial Court.

7. Needless to mention that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.

JUDGE