

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Criminal Bail Application No.S-380 of 2025

Applicant : Muhammad Yaseen @ Yaseen Jakhrani
Through Mr. Rafique Ahmed K. Abro, Advocate

Respondent : The State
Through Mr. Sardar Ali Solangi DPG.

Date of Hearing : 18.07.2025
Date of Order : 18.07.2025

ORDER

KHALID HUSSAIN SHAHANI J- Applicant Muhammad Yaseen @ Yaseen seeks confirmation of interim pre-arrest bail granted to him on 11.07.2025 in a case bearing crime No. 18/2024 registered at Police Station Tajodero, for offences under Sections 302, 311 & 34 PPC.

2. As per prosecution theory, on 29.06.2024, ASI Ghulam Sarwar Pathan alleged to have received spy information about a plot to kill Meerzada Meerali and Mst. Subhana on pretext of *Karo Kari* by accused Muhammad Yaseen and Sallah Jakhrani. Upon reaching the pointed place, complainant claims to have heard gunshots and observed the accused fleeing with weapons. Both victims were found dead at the scene, and the FIR was registered later that night at 23:30 hours.

3. The applicant had previously sought pre-arrest bail before this Court, which was dismissed vide order dated 10.03.2025, but with directions to the Senior Superintendent of Police, Jacobabad, to conduct reinvestigation. Pursuant thereto, the SSP Jacobabad conducted a comprehensive re-investigation and submitted a charge sheet where in the applicant's name was placed in Column No. 2, opining him to be innocent.

4. During the said re-investigation, the SSP recorded the statements of both police witnesses and independent civilians, including legal heirs of both deceased persons, who categorically exonerated the applicant. Among them were:

- Mst. Khanzadi (widow of deceased Meerzada Meerali),

- Mst. Lal Khatoon (mother of deceased Meerzada Meerali),
- Muhammad Eidan (father of deceased Mst. Subhana).

5. However, the learned Judicial Magistrate, Garhi Khairo, vide order dated 14.05.2025, disagreed with the police's conclusion, took cognizance under Section 190 Cr.P.C., and joined the applicant as an accused, observing that the plea of alibi and contradictory versions are to be adjudicated at trial after evidence is recorded.

6. It is significant to note that the DIG Larkana Range, in light of the High Court's order dated 10.03.2025 and findings of the re- investigation, took departmental disciplinary action by placing the complainant ASI Ghulam Sarwar Pathan, HC Jan Muhammad Soomro, and PC Israr Ahmed Malgani under suspension. The DIG, vide order dated 03.02.2025, directed that these officials be confined to Police Lines Jacobabad and prohibited from leaving headquarters without prior permission. This action reinforces the defense claim of mala fide and abuse of authority in falsely implicating the applicant.

7. Learned counsel for the applicant submitted that the case is one of double version, supported by the legal heirs' affidavits and the clear findings of re-investigation. He further pointed out that no civilian eyewitness supports the prosecution and all PWs are subordinate to the complainant. He also stressed that the applicant voluntarily submitted before the court and has no prior criminal record.

8. On the contrary, learned D.P.G. opposed the application on the ground that the applicant is named in the FIR with specific role. However, reluctantly agreed that during re-investigation conducted under the directives of this court, applicant was found innocent and departmental action is proposed against complainant and eyewitnesses being police officials.

9. The question before this Court is whether the applicant has made out a case for the confirmation of pre-arrest bail. It is now trite law that police reports are not binding on the courts, but they may inform the Court's tentative assessment at the bail stage. In the instant case, the re-investigation by SSP Jacobabad, supported by statements of the legal heirs and credible third-party witnesses, casts serious doubt on the version presented in the FIR. The placement of the applicant in Column No.2, suspension of the complainant and his associates by the DIG Larkana, and absence of

any private or independent eyewitness implicating the applicant cumulatively indicate that the prosecution case is not free from doubt. It is settled law that where mala fide is apparent from the record, and material exists creating doubt, the courts must exercise discretion in favor of the accused. In the circumstances, and in view of the findings of SSP Jacobabad in re-investigation, coupled with the stance of the legal heirs of the deceased and departmental action against the complainant police officials, a case for further inquiry is clearly made out. I am, therefore, inclined to confirm the interim bail earlier granted. Accordingly, the interim pre-arrest bail granted to the applicant Muhammad Yaseen @ Yaseen vide order dated 11.07.2025 is hereby confirmed, subject to the same terms and conditions.

10. Needless to mention, the observations made herein are tentative in nature and shall not influence the trial court during the final adjudication of the case.

J U D G E

Asghar Altaf/P.A