

## IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANO

### Criminal Bail Application No.S-88 of 2024

Applicant : Abdul Razzak son of Ghulam Hussain Kato,  
Through Mr. Shahbaz Ali Brohi, Advocate

Complainant : Through Mr. Qudratullah Shaikh, Advocate

Respondent : The State  
Through Mr. Nazeer Ahmed Bhangwar, DPG

Date of hearing : 28-07-2025

Date of order : 31-07-2025

## **ORDER**

**KHALID HUSSAIN SHAHANI, J.** – Applicant/accused Abdul Razak seeks post-arrest bail in a case bearing crime No.68/2021, registered at Police Station Stuart Ganj, for offences under Sections 302, 324, 452, 337-H(ii), 148, and 149 PPC. An earlier bail application was dismissed by the learned 1st Additional Sessions Judge/MCTC, Shikarpur, vide order dated 28.08.2023.

2. The FIR was lodged by complainant Wajid Ali, alleging that on the night of the incident, the applicant/accused, along with co-accused, trespassed into their house by scaling a wall. It is alleged that co-accused Zahid and Jamaluddin fired at the Raheel (deceased), while the present applicant, Abdul Razak, fired upon the deceased's left leg. Co-accused Anwar and Nazar are alleged to have fired upon and injured Mst. Afroze. As a result, Raheel succumbed to injuries, and Mst. Afroze was seriously wounded.

3. The learned counsel argued that applicant has been falsely implicated due to a pre-existing enmity. He contended that there are contradictions between the medico-legal certificate and the

post-mortem report regarding the number and seat of the injuries on the deceased. He specifically emphasized that the role attributed to the applicant is that of firing on the deceased's leg, which is a non-vital part of the body, and that this injury was not even noted in the initial medical examination.

4. On the other hand, the learned Deputy Prosecutor General for the State opposed the bail application, asserting that the applicant is nominated in the FIR with a specific role in a heinous offence involving murder and that sufficient incriminating material connects him to the crime.

5. A progress report was called from the learned trial court, which reveals that the case is at an advanced stage of trial. The evidence of most material witnesses, including the complainant and private eyewitnesses, has been recorded. Another very important witness, the doctor who conducted the post-mortem examination of the deceased, has also completed his deposition.

6. The learned counsel for the applicant has primarily taken grounds regarding contradictions in the injuries sustained by the deceased. To appreciate these pleas, a deeper appraisal of the evidence, including the medical testimony, would be necessary. Any comment, at this stage, on the quality and veracity of the testimony of the prosecution witnesses, especially the doctor, would be most inappropriate, as it may amount to pre-empting the functions of the trial Court and would prejudice the right of either party. The sifting of evidence is a task best left to the trial court, which has the opportunity to observe the demeanor of the witnesses.

7. It has been observed that the trial has been prolonged. Had the applicant been cooperative in the trial, the same would have likely been concluded by now. Granting him bail at this stage would amount to giving him a bonus for the dilatory ploys that may have

been employed to drag the trial. It goes without saying that each criminal case proceeds on its own merits.

8.           Given these circumstances, particularly the advanced stage of the trial, I find that this is not a fit case for the grant of bail. The application is accordingly dismissed. The learned trial court is, however, directed to conclude the trial within a period of two (02) months after the receipt of this order. Should there be a failure to adhere to this timeline, the applicant is at liberty to file a fresh application for bail before the trial court, provided the delay is not attributable to the applicant or his counsel.

**J U D G E**

Asghar Altaf/P.A