

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS
Crl. Bail Application No.S-14 of 2025

Applicant/ accused: Muhammad Yousuf s/o Ahmed Rajar
Through Mr. Zafar Ali Laghari, Advocate

The State: Through, Mr. Ghulam Abbas Dalwani, D.P.G.

Complainant: Sonaro s/o Sahibuddin Rajar
Through Mr. Afzal Kareem Virk, Advocate

Date of hearing: 02.06.2025

Date of Order: 02.06.2025

ORDER

Jan Ali Junejo, J. - Through this criminal bail application, the Applicant seeks post-arrest bail in connection with FIR No. 27/2024, registered under Sections 302 and 34 of the Pakistan Penal Code (PPC) at Police Station Taluka Umerkot. The applicant's bail was initially denied by the learned Additional Sessions Judge-I, Umerkot, via order dated 07-11-2024 under Criminal Bail Application No. 874/2024, which is now being challenged before this Court.

2. The prosecution's case, as articulated in the FIR lodged by the complainant, Sonaro Rajar, indicates that on the night of May 27, 2024, his cousin and brother-in-law, Ahmed S/o. Qasim Rajar, a 60-year-old businessman and landlord, was asleep on a cot in his courtyard. The complainant's residence is adjacent to Ahmed's, where he was reportedly accompanied by relatives Piyaro s/o Maghan and Qaim s/o Khamiso Rajar. At approximately 10:45 p.m., Ahmed's cries pierced the night, awakening the complainant. Upon arousing Piyaro and Qaim, they utilized a torch to view an assault in progress by two unidentified individuals, who were not masked. They observed the assailants attacking Ahmed with a chopper and a knife. Upon their shouts, the assailants fled towards

their homes, accompanied by another accomplice armed with a hatchet. Although pursued by the complainant and relatives, the three individuals disappeared into the darkness. Returning to Ahmed's residence, they discovered him gravely injured, unable to articulate his condition, suffering from multiple wounds, including a severe cut on the left side of his face and numerous injuries on his arms and body. Ahmed was promptly transported to Government Hospital, Umerkot, where relatives Punhoon and Akber Rajar arrived. Punhoon duly informed the police, who issued a medical treatment letter. Tragically, whilst being transferred to Hyderabad for further treatment, Ahmed succumbed to his injuries en route. Following this, his son, Yousuf, notified the police, and Ahmed's body was returned to Umerkot for a post-mortem examination prior to being released for burial. The complainant subsequently proceeded to the police station to file the FIR.

3. The learned Counsel for the applicant argues for his innocence, asserting that he has been falsely implicated due to a matrimonial dispute. He highlights that the FIR does not explicitly name the applicant or assign him a specific role in the events described. The defense emphasizes an unexplained delay of three days in lodging the FIR, insinuating doubts regarding the prosecution's narrative. Moreover, they contend that the Investigating Officer (I.O.) failed to procure any concrete evidence linking the applicant to the alleged crimes, with no recoveries made from him. The defense posits that the involved parties have reached a compromise outside of court, with the complainant providing affidavits indicating no objections to bail. Lastly, it is asserted that the investigation has concluded, and the final challan has been submitted, rendering the applicant's continued detention unnecessary. The defense seeks bail under Section 497(2) of the Cr.P.C., arguing that the case warrants further inquiry.

4. The learned counsel representing the complainant acknowledged the development of a compromise outside of court, expressing no objection to the

granting of bail to the applicant, supported by affidavits submitted by both the complainant and the deceased's legal heirs.

5. Conversely, the learned Deputy Prosecutor General (DPG) opposed the bail application, highlighting that the ground for compromise was not put forth in the application. The DPG further contended that the applicant, in a purported confessional statement, admitted to guilt and that circumstantial evidence purportedly connects him to the crime.

6. I have considered the arguments presented by the learned counsels and perused the available record meticulously. A pivotal factor in this case, warranting the grant of bail, is the submission of affidavits by the legal heirs of the deceased. Specifically, the complainant Sonaro, along with the legal heirs of deceased namely Mst. Ummat, Mst. Khadija, and Mst. Amnat, have collectively expressed their no objection to granting bail to the applicant. This consensus from the deceased's immediate family holds considerable weight, suggesting a possible resolution of the conflict outside of legal proceedings and indicating that the applicant's continued detention may not serve the interests of justice. Referencing precedents in Cases of *Muhammad Nawaz alias Najja v. The State (1991 SCMR 111)* and *Muhammad Sharif v. The State (2005 P.Cr.L.J. 636)*, where bail was granted based on similar point, it is noted that the present case, classified as a compoundable offense under Section 302 PPC, warrants attention given the submissions of the legal heirs indicating forgiveness or acceptance of compromise. Furthermore, it is noteworthy that the FIR does not name the applicant nor delineate a direct role in the alleged crime. While the prosecution references a confessional statement and circumstantial evidence, these issues are subject to examination during trial. At this juncture, the affidavits from the legal heirs significantly dilute the prosecution's argument for continued detention. The conclusion of the investigation and the submission of the final challan further

signify that the applicant's presence is not required for further investigation. In light of the above considerations and the affirmative submissions from the complainant and the legal heirs, it is evident that the applicant's entitlement to bail is supported by substantial evidence that illustrates a shift in the stance of the complainant and victim's family. Therefore, this Court is inclined to grant the bail application.

7. In conclusion, the bail application is hereby allowed. The applicant, Muhammad Yousuf S/o. Ahmed Rajar, is granted bail contingent upon the provision of a solvent surety in the amount of Rs. 200,000/- (Rupees Two Lacs only) and a personal recognizance bond of the same amount, both to the satisfaction of the learned trial Court. The observations made herein are tentative and shall not influence the ultimate merits of the case at trial. These detailed reasons affirm the short order that has been announced today in the early hours.

JUDGE

"Saleem"