

**IN THE HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS**

**Crl. Bail Application No.S-44 of 2025**

Applicant	1. Salamat Ali Lakho son of Muhammad Mauroof. 2. Amanat Ali Lakho son of Muhammad Mauroof. Through Mr. Muhammad Hashim Laghari, Advocate.
Complainant	Rasheed Khan Marri through Syed Tariq Ahmed Shah, Advocate.
Respondent	The State through Mr. Shahzado Saleem, Additional Prosecutor General (Sindh). <><><>
Date of hearing	<b><u>08.12.2025</u></b>
Date of order	<b><u>15.12.2025</u></b> <><><>

**ORDER**

**SHAMSUDDIN ABBASI, J.:-** Having been unsuccessful in securing bail from the learned trial Court in Criminal Bail Application No.312 of 2024 arising out of F.I.R No.27 of 2024, registered at Police Station Satellite Town, District Mirpurkhas, for offences punishable under Sections 302, 324, 114, 147, 148, 149, 427 and 337-H(ii), P.P.C, vide order dated 20.01.2024 penned down by the learned Additional Sessions Judge-I/MCTC, Mirpurkhas, the applicants Salamat Ali Lakho and Amanat Ali Lakho have approached this Court by way of the present application seeking post-arrest bail in the aforesaid crime.

2. The facts giving rise to the present application, as depicted in the impugned order, are as under:-

*"On February 9, 2024, Rasheed Khan Marri lodged FIR No.27/2024 at Police Station Satellite Town, he stated that on the same day, he traveled from his village to Mirpurkhas to meet his cousins, Yar Muhammad and Abdul Jabbar. Together, they went into city in a car (No.BWS-212). At approximately 12:30 pm, they arrived at Chandni Chowk, where they observed the accused Salamat Ali, Amanat Ali, Nadir Ali Lakho, Rafique Panhwar (armed with Kalashnikovs), and Asad Ali ( armed with a pistol), sitting in white Parado and Revo vehicles parked nearby. The complainant and his cousins exited their car for some work. At this point, Salamat Ali aimed his Kalashnikov at them and directed his co-accused to attack, stating that they would not spare the Marris that day. Salamat Ali then fired at Yar Muhammad, hitting him in the left shoulder, with the bullet exiting through his flank, causing him to collapse. Amanat Ali fired at Abdul Jabbar, hitting him in the left thigh. Rafique also fired at Abdul Jabbar, striking the right side of his chest, with the bullet*

*exiting from the other side, causing him to fell. Asad Ali fired at the complainant, but he managed to evade injury by running and stumbling to the ground. The accused then surrounded the complainant car, fired at it, causing damage and instilled fear and panic among the public. They fled the scene in their vehicles, shouting slogans claiming to have terrorized the Marri. The complainant informed his relatives about the incident and transported the injured to New Civil Hospital, Mirpurkhas. There, Yar Muhammad succumbed to his injuries, while Abdul Jabbar received first aid and was referred to Civil Hospital Hyderabad with a police letter. The police completed procedural formalities regarding the deceased, conducted a post-mortem examination and handed over dead body of deceased Yar Muhammad for burial. The complainant subsequently appeared at the police station at 10:00 pm to lodge the FIR. After the investigation, the case was charge-sheeted. Section 7 and 8 were removed by the Special Court, and the matter is now pending trial before this Court”.*

3. It is contended on behalf of the applicants that the applicants are innocent and have been falsely implicated in this case on account of recorded enmity between the parties. It is next submitted that there exists a counter version of the same incident as Salamat's son namely, Sultan Ali has also lodged FIR No.28 of 2024 at Police Station Satellite Town for offences punishable under Sections 324, 506(2), 109, 337-A(i), 337-F(i), and 34, PPC read with Sections 6 and 7 of the Anti-Terrorism Act. It is also submitted that the complainant party in collusion with the police has managed to register about 85 FIRs against the applicant party, out of which the applicants have already been acquitted in about 25 cases. It is further argued that the applicant party has earlier approached this Court by filing C.P. No.S-236 of 2021 and C.P. No.D-1559 of 2021 against their victimization at the hands of the police, who have registered multiple FIRs against them in district Tando Allahyar, district Mirpurkhas and other districts of Sindh Province while extending undue favour to the complainant party by disposing of FIR, lodged against them, in "C" Class and such order of accepting 173, Cr.P.C. report has been assailed before this Court and is pending adjudication. Learned counsel further submits that applicant Salamat Ali is an enrolled Advocate of the High Court whereas applicant Amanat Ali is serving in the Local Government Department in BPS-17, therefore, there is no likelihood of their absconding or tampering with the prosecution evidence. It is lastly contended that the investigation has been completed and the applicants are behind the bars since last about 23 months while the trial has yet to make any meaningful progress. He, therefore, prays that pending trial the applicants may be enlarged on bail. In support of his contentions, the learned counsel for the applicants has placed reliance on the cases of *Ali Murad & others v The State* (2019 YLR 21), *Khayal Saba & another v The State and others* (2020 SCMR 340), *Muhammad Iqbal alias Bala Bandri v The State and others* (2017

SCMR 1939), *Zulfiqar v The State and another* (2020 SCMR 417), *Babar Hussain v The State and another* (2020 SCMR 871), *Mukaram v The State and another* (2020 SCMR 956), *Ali Aksar Shah v Banaras and another* (1990 SCMR 83), *Noor Kamal & another v The State and another* (2023 SCMR 999) and *Azim Khan and others v The State* (1996 SCMR 1569).

4. On the other hand, learned Additional Prosecutor General, assisted by the learned counsel for the complainant, has vehemently opposed the grant of bail to the applicants and submitted that the applicants are nominated in the FIR with specific role of causing injuries to the deceased Yar Muhammad and the injured Abdul Jabbar. It is further contended that the delay in conclusion of the trial is not attributed to the complainant side. It is argued that the place of incident shown in FIR No.28 of 2024 is altogether different, therefore, the said FIR cannot be treated as a counter version of the present case. Learned APG as well as complainant's counsel further submit that sufficient incriminating material has been collected during the course of investigation, which *prima facie* connects the applicants with the commission of the offence with which they have been charged. He, therefore, prays for dismissal of bail application. The learned counsel for the complainant has relied upon the cases of *Arif Din v Amil Khan and another* (2005 SCMR 1402) and *Nasir Muhammad Wassan and another v The State* (1992 SCMR 501).

5. I have given my anxious consideration to the submissions of respective sides and perused the entire material available on record with their able assistance.

6. At this juncture, I am not in agreement with the contention of the learned counsel for the complainant that there exists no counter case. A bare perusal of the FIR reveals that the incident allegedly took place on 09.02.2024 at about 1230 hours and the place of occurrence has been shown as the road leading from Chandni Chowk to Mirpurkhas City, North and West Corner of Mirpurkhas City. Conversely, in FIR No.28 of 2024 the date and time of the incident have been shown as 09.02.2024 at about 1220 hours allegedly having taken place at Mirpurkhas Road, near Chandni Sweets, Chandni Chowk, Mirpurkhas. The proximity of time and place *prima facie* makes out a case of counter version between the parties. No doubt, the applicants are named in the FIR alleging specific allegations of causing injuries to the deceased as well as the injured, however, in the presence of a counter case wherein three persons from the applicants' side are stated to have sustained

firearm injuries at the hands of the complainant party, out of whom two injured persons, namely Mumtaz and Abdul Razzak, allegedly sustained injuries on their faces resulting in loss of vision of both eyes by one injured while another injured lost eyesight of his one eye, therefore, in such a situation, it is yet to be determined at trial as to which party was the aggressor and which was aggressed upon. It is also an undisputed fact that no weapon, alleged to have been used in the commission of the offence, has been recovered from the possession of any of the applicants. In such a situation, the applicants deserve to be released on bail. Guidance is taken from the case of *Zulqarnain Haider alias Zain v The State and another* (2025 SCMR 1457), wherein it has been held as under:-

*"4. We noticed from record that another report of the same occurrence has been registered by Hassan Akhtar (accused of FIR No. 348 ibid), also including the same place, time and date of occurrence, while involving the same parties inter se. However, this second report was registered on 21.05.2023, with a delay of four days. From one side deceased, Yasir Malik has lost his life and Qamar Zaman sustained injuries while in the second report two persons namely Hassan Akhtar and Waqar Khalid Qureshi sustained injuries.*

*5. When both versions are placed in juxtaposition, it becomes apparent that the allegations in both complaints are qua the same incident, as they share a common nexus in terms of date, time, location, motive, and parties involved. The only apparent distinction lies in the sequence of reporting. This factual overlap, prima facie, reflects that the two versions are antithetical claims arising out of one and the same occurrence thus, portraying the current scenario as cross version and we are not in agreement with the Hon'ble Lahore Court on not allowing bail to the petitioner on the basis of cross-version. The reason being that in cases involving cross-versions of the same occurrence, it is a well-settled principle of criminal jurisprudence that the prime consideration before the Court is to ascertain which party was the aggressor and which party was aggressed upon. The nature, seat, and number of injuries sustained by each side may undoubtedly be relevant; however, such factors are merely indicative and do not, by themselves, carry an overriding or conclusive effect. The mere extent of injuries caused to one party cannot serve as the sole basis for drawing an adverse inference against the other, especially where both versions emanate from the same transaction and each party attributes aggression to the other.*

*6. In cases of counter versions arising from the same incident, one given by the complainant in the FIR, and the other given by the opposite party, bail in appropriate cases is granted as a rule on the grounds of further inquiry for the reason that the question as to which version is correct is to be decided after the recording of pro and contra evidence during the trial, and also to ascertain which party was the aggressor and which party was aggressed upon. The refusal of bail in such cases is an exception. Reliance is placed upon Fazal Muhammad v. Ali Ahmed 1976 SCMR 391, Shafiqan v. Hashim Ali 1972 SCMR 682, Khalid Mehmood v. Muhammad Kashif Rasool 2013 SCMR 1415 and Khizar Hayat*

*v. The State 2024 SCMR 1605.*

*7. Additionally, the petitioner is in custody for the last 23 months, and despite the lapse of such a considerable period, there appears to be no substantial progress in the trial pending before the learned trial court. This prolonged incarceration, without meaningful advancement in the trial, raises a serious concern regarding the petitioner's right to a fair and expeditious trial.*

*8. In view of the overall circumstances of the given case, we are unable to discern any compelling reason that would justify the continued denial of bail to the petitioner at this stage. This petition, therefore, is converted into an appeal and is allowed. The petitioner is granted post arrest bail on furnishing surety bond in sum of Rs. 5,00,000/- with two separate sureties in like amount to satisfaction of the concerned Trial Court.*

7. Admittedly, the challan has already been submitted and the applicants are no longer required for any further investigation. They have remained in custody for about 23 months while the trial is likely to take considerable time to conclude, therefore, based upon the tentative assessment of the record and placing reliance on the case law (supra), I am of the view that the case of the applicants calls for further inquiry within the meaning of Section 497(2), Cr.P.C. Accordingly, this bail application is allowed and the applicants are admitted to post-arrest bail subject to their furnishing solvent surety in the sum of Rs.500,000/- (Rupees Five Hundred Thousand only) each and P.R bonds in the like amount to the satisfaction of the learned trial Court.

8. Needless to observe that the observations made hereinabove are purely tentative in nature, confined only for the purpose of deciding this bail application and shall have no bearing upon the merits of the case. The learned trial Court shall decide the matter without being influenced of any observations, made herein above, on its own merits as quickly as possible preferably within a period of six months under intimation to this Court through Additional Registrar of this Court.

9. The Criminal Bail Application No.S-44 of 2025 stands disposed of in the foregoing terms.

**JUDGE**