

IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA

1st Criminal Bail Application No. D-127 of 2025

Before:

*Mr. Justice Adnan Iqbal Chaudhry;
Mr. Justice Abdul Hamid Bhurgri.*

Applicant : Ali Haider @ Haidroo son of Moj Ali
Bakhrani, through Mr. Ashfaque Hussain
Abro, Advocate.

The State : Through Mr. Nazir Ahmed Bhangwar,
D.P.G for State.

Date of Hearing : 10.03.2026
Date of Order : 10.03.2026.

ORDER

Abdul Hamid Bhurgri J.- The applicant Ali Haider @ Haidroo son of Moj Ali Bakhrani seeks post-arrest bail in Crime No.37 of 2022, registered at Police Station Tangwani, District Kashmore at Kandhkot, for offences punishable under Sections 302, 324, 353, 395, 148 and 149, P.P.C., read with Sections 6 and 7 of the Anti-Terrorism Act, 1997, after dismissal of his post-arrest bail application by the learned Special Judge, Anti-Terrorism Court, Kashmore at Kandhkot, vide order dated 10.11.2025.

2. As per the F.I.R., on 02.09.2022, the complainant Inspector Ghulam Sarwar Sarki, acting upon spy information regarding the presence of six armed criminals, directed his staff to cordon the area and proceeded along with the police party towards Muhammad Hayat Khoso Bridge at about 1000 hours. Upon reaching there, they allegedly saw PC Abdul Nabi and PC Maqbool Ahmed grappling with the said accused persons. Out of them, three accused were identified as Sadam, Nasrullah @ Nasroo and Atta Muhammad @ Baban, while three remained unknown. All the accused were allegedly armed with K.Ks. It is alleged that accused Sadam made direct fire at PC Abdul Nabi, which hit him on the left side of his belly. The other accused also allegedly made firing upon the deceased and at PC Maqbool Ahmed, who

remained unhurt. The police party retaliated in their defence. During the occurrence, accused Sadam allegedly snatched a G-3 rifle and a bag containing magazines and bullets from PC Abdul Nabi. After firing continued for about 10 to 15 minutes, the accused persons managed to escape. The injured PC Abdul Nabi was shifted to Taluka Hospital Kandhkot, where he was declared dead. After burial of the deceased, the complainant lodged the F.I.R. on 03.09.2022 at 1500 hours. Subsequently, the present applicant was introduced in the statements of witnesses during investigation.

3. Learned counsel for the applicant contended that the applicant is not nominated in the F.I.R., nor has any specific role of causing injury been attributed to him. He further argued that the name of the applicant was introduced later in the statements of witnesses recorded during investigation. It was also contended that no test identification parade was conducted and no crime weapon has been recovered from the possession of the applicant. According to the learned counsel, the applicant has been implicated on the basis of general and omnibus allegations; therefore, the case of the applicant falls within the ambit of further inquiry under Section 497(2), Cr.P.C.

4. Conversely, learned State counsel opposed the bail application and submitted that the applicant had actively participated in the occurrence in which a Police Constable was murdered, and the accused persons had also resisted and fired upon the police party, thereby deterring them from discharging their lawful duties. He therefore contended that the applicant does not deserve the concession of bail.

5. We have heard learned counsel for the parties and perused the material available on record.

6. Tentatively, it appears that the applicant is not named in the F.I.R, which is also silent regarding his identity or description. The name of the applicant was subsequently introduced in the statements of witnesses recorded during investigation. The role attributed to the applicant is that of general firing, and no specific role of causing injury to the deceased has been assigned to him. Moreover, no test identification parade appears to have been conducted. The allegations against the applicant are thus general in nature and would require deeper appreciation of evidence, which can only be undertaken at the time of trial. Furthermore, the applicant is behind bars and is no longer required for the purpose of investigation.

7. In the above circumstances, the case of the applicant prima facie calls for further inquiry within the meaning of Section 497(2), Cr.P.C. Accordingly, this bail application is allowed and the applicant is admitted to post-arrest bail, subject to furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Hundred Thousand only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court.

8. The observations made hereinabove are tentative in nature and shall not prejudice the case of either party at the time of trial.

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