

IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA

1st Criminal Bail Application No. S-110 of 2025

Before:

Mr. Justice Abdul Hamid Bhurgri.

Applicant : Niaz @ Nawazo son of Muhammad Raheem Jafferi, through Mr. Asif Ali Abdul Razzak Soomro, Advocate.

The State : Through Mr. Sardar Ali Solangi, D.P.G for State.

Date of Hearing : 09.03.2026

Date of Order : 16.03.2026.

ORDER

Abdul Hamid Bhurgri J.- The applicant Niaz @ Nawazo son of Muhammad Raheem Jafferi seeks post-arrest bail in Crime No.04 of 2024, registered at Police Station Bahoo Khoso, District Jacobabad, for offences punishable under Sections 302, 395, 396, 397, 337-H(2), 148 and 149, P.P.C., after dismissal of his post-arrest bail application by the learned Additional Sessions Judge, Thull, vide order dated 18.12.2024.

2. As per the F.I.R., on 10.03.2024 at about 08:30 p.m., the applicant along with co-accused Jurio @ Jurial, Sarwar, Jaffar, Waqar Ahmed and four unknown accused, being armed with K.Ks., waylaid the complainant, his cousin Javed Ali, and relatives Khaman and Jaffer Khan near the curve of village Abdul Qadir Brohi, when they were returning after recovery of cash. Accused Jaffer allegedly robbed cash from the complainant and, on his resistance, accused Niaz alias Nawazo (applicant) allegedly caused a butt blow of K.K. on the left hand of the complainant. Accused Jurio alias Jurial allegedly made direct fire at Javed Ali, which hit his right thigh. Accused Sarwar also made direct fire at Javed Ali, which again hit his right thigh, while accused Waqar also allegedly fired at him. Accused Jaffer allegedly robbed cash of Rs.1,30,000/- from the complainant. Thereafter, all the accused allegedly escaped by making aerial firing. Injured Javed Ali succumbed

to his injuries at the spot. After postmortem and burial of the deceased, the complainant lodged the instant F.I.R. on 11.03.2024 at 12:30 hours.

3. Learned counsel for the applicant contended that there is delay of one day in registration of the F.I.R. He further submitted that the applicant has been attributed the role of causing a K.K. butt blow injury to the complainant on his hand, which is a non-vital part of the body, while the role of causing firearm injuries to the deceased has been specifically attributed to the co-accused. It was further argued that no incriminating article has been recovered from the possession of the applicant. Learned counsel further contended that the applicant has been behind bars since his arrest and is no longer required by the police for further investigation. According to the learned counsel, the case of the applicant falls within the ambit of further inquiry under Section 497(2), Cr.P.C.

4. Conversely, learned Deputy Prosecutor General, Sindh, opposed the bail application and submitted that the applicant is nominated in the F.I.R. with a specific role of causing K.K. butt blow injury to the complainant on his hand; therefore, the applicant does not deserve the concession of bail.

5. Heard learned counsel for the parties and perused the material available on record.

6. Tentatively, it appears that the applicant is attributed the role of causing a K.K. butt blow injury to the complainant on his left hand, which is a non-vital part of the body. The final medical certificate shows that the said injury was declared as Jurh-Ghayr-Jaifah-

Hashimah by the Medical Officer and the alleged offence carries punishment up to five years, which does not fall within the prohibitory clause of Section 497, Cr.P.C. Moreover, the statements of prosecution witnesses under Section 161, Cr.P.C. were recorded after seven days of the registration of the F.I.R., which prima facie requires deeper appreciation of evidence. The remaining grounds raised by the learned counsel for the applicant also require deeper examination, 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. At this stage, such benefit must go in favour of the applicant.

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.

J U D G E