

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No. S-133 of 2026
[Adam Panhwar vs. The State]

Applicant : Adam Panhwar, *through*
M/s Muhammad Hamza Buriro and
Mushtaque Ahmed Shah, Advocate

Complainant : *Nemo*

Respondent : The State, *through*
Mr. Muhammad Raza Katohar,
Deputy Prosecutor General.

Date of hearing : 25.05.2026
Date of decision : 25.05.2026

ORDER

Ali Haider 'Ada', J.- Through the instant criminal bail application, the applicant/accused seeks post-arrest bail in FIR No.46 of 2024, registered at Police Station Bhiria Road, District Naushahro Feroze, for offences punishable under Sections 302, 324, 114, 148, 149, 404, 337-H(ii) and 337-F(i) PPC. Earlier, the applicant approached the learned 1st Additional Sessions Judge/MCTC, Naushahro Feroze, for the same relief, however, his application was declined vide order dated 12.12.2025.

2. The prosecution case, in brief, is that on 03.06.2024 at about 11:30 a.m., the complainant, along with his son and relatives, reached near the Mori of Shaman Memon outside Village Muhammad Hassan Panhwar, where the present applicant, armed with a pistol, along with co-accused armed with deadly weapons, allegedly intercepted them. It is alleged that the present applicant, alongwith co-accused with intention to commit murder, made a fire upon Jalal Khan, which hit him on his abdomen, causing him to fall

down while raising cries. The co-accused also allegedly made firing upon the complainant party with their respective weapons. Upon the noise of firing, villagers gathered at the place of incident, whereupon all accused persons fled away from the scene. Thereafter, the injured and dead body were brought to the police station, from where medical letter was obtained and the injured/deceased were shifted to the hospital for treatment and postmortem. Hence, the present FIR was lodged.

3. Learned counsel for the applicant contended that the applicant is innocent and has falsely been implicated in this case due to previous enmity. He further submitted that the applicant is a patient of dialysis and both of his kidneys are not functioning properly; therefore, he requires constant medical treatment which is not available within the jail premises, thereby seriously endangering his life. Learned counsel further argued that the allegations levelled in the FIR are general and omnibus in nature against several accused persons. He further submitted that there is an unexplained delay of the FIR, which creates doubt in the prosecution story. He also argued that the applicant has remained behind bars since his arrest and no useful purpose would be served by his further incarceration. According to learned counsel, the case of the applicant falls within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C. In support of his contentions, reliance is placed upon *Malik Muhammad Yousifullah Khan v. The State and others* (PLD 1995 Supreme Court 58).

4. The record reflects that notices were issued to the complainant on 13.02.2026 and again on 09.03.2026; however, as per report submitted by the concerned police official on 27.04.2026, the complainant himself is absconding in FIR No.127 of 2024. Consequently, learned law officer is heard. Learned Deputy Prosecutor General opposed the bail application on the ground that the name of the present applicant specifically transpires in the FIR with the allegation of making fire upon deceased Jalal Khan.

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

6. Tentatively, it appears from the record that the role assigned to the present applicant is intertwined with the allegations levelled against co-accused persons and the actual manner of occurrence, as well as individual liability of each accused, would be determined after recording of evidence during trial.

7. Furthermore, on 04.05.2026, this Court called for a report from the Medical Officer of the jail authorities regarding the health condition of the applicant, as learned counsel asserted that the applicant is suffering from serious renal complications and dialysis facilities are not available in jail. In compliance thereof, the Medical Officer submitted report dated 15.05.2026, wherein it is disclosed that the applicant, aged about 55 years, is a known patient of hypertension and Grade-III chronic kidney disease secondary to hypertension and stone disease, even prior to his confinement in prison, he remained under treatment at Benazir Institute of Urology and Transplantation, Shaheed Benazirabad. The report further reveals that after his confinement, the applicant was repeatedly referred to Civil Hospital Naushahro Feroze and PUMHS Shaheed Benazirabad for treatment and follow-up. It is further reported that on 14.05.2026, the applicant was again referred to Civil Hospital Naushahro Feroze with complaints of shortness of breath, bilateral flank pain and decreased urine output. The Medical Officer further opined that the applicant has a solitary functioning kidney and is at high risk of developing stroke, myocardial infarction and renal failure. He was advised conservative treatment and referral to a tertiary care hospital for further management.

8. It is settled law that every accused is presumed innocent until proven guilty at trial, and the liberty of a person cannot be curtailed unnecessarily. In this regard, reliance is placed upon *Ahmed Nawaz and another v. The State and another* (2024 SCMR 1525), *Hasnain*

Mustafa v. The State and another (2019 SCMR 1914), and *Haji Muhammad Nazeer v. The State* (2008 SCMR 807).

9. In the case of *Malik Muhammad Yousifullah Khan v. The State and others* (PLD 1995 Supreme Court 58), the Hon'ble Supreme Court was pleased to grant bail on medical grounds where the accused was suffering from serious ailments which could not be properly treated while in custody. Similarly, in the present case, the medical report clearly indicates that the applicant is suffering from severe renal complications and his continued detention in jail may prove hazardous to his health and life. Reliance may also be placed upon *Iqbal Ahmed Bablani v. Federation of Pakistan and others* (2022 YLR Note 16 D.B-Sindh), as well as reported cases cited as *MANZOOR AHMAD WATTO versus THE STATE* 2000 SCMR 107 and *DADIO versus SOBHARO* 2010 SCMR 576 and *SHAFIQ versus THE STATE*, 2012 YLR 27.

10. In view of the above facts and circumstances, the applicant has succeeded in making out a case for grant of post-arrest bail on medical grounds. 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.100,000/- (Rupees One Hundred Thousand only) along with P.R. bond in the like amount, to the satisfaction of the learned trial Court. Needless to observe that the findings recorded hereinabove are purely tentative in nature and shall not prejudice or influence the learned trial Court while deciding the case on merits.

JUDGE