IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA

Before;

Mr. Justice Riazat Ali Sahar;
Mr. Justice Ali Haider 'Ada'.

Criminal Bail Application No. D-36 of 2026

Applicant	:	Parvez Ahmed son of Agho Bahalkani, *through* Mr. Habibullah G. Ghouri, Advocate.
The State	:	*Through* Mr. Nazir Ahmed Bangwar, Deputy Prosecutor General Sindh.

Criminal Bail Application No. D-37 of 2026

Applicant	:	Parvez Ahmed son of Agho Bahalkani, *through* Mr. Habibullah G. Ghouri, Advocate.
The State	:	*Through* Mr. Nazir Ahmed Bangwar, Deputy Prosecutor General Sindh.
Complainant	:	Zameer Ahmed, *through* Mr. Safdar Ali Bhutto, Advocate.
Date of Hearing	:	10.06.2026
Date of Order	:	10.06.2026.

O R D E R

Ali Haider 'Ada' J.- By this common order, We, intend to dispose of the above-captioned bail applications arising out of Crime No.111 of 2025 registered for offences punishable under Sections 302, 114, 148, 149 P.P.C. read with Sections 6 and 7 of the Anti-Terrorism Act, 1997, and Crime No.03 of 2026 registered under Section 23(i)(a) of the Sindh Arms Act, 2013, both lodged at Police Station Karampur. The latter case is admittedly an offshoot of the main crime.

2. The record reflects that the learned trial Court has dismissed the bail applications of the present applicant. Briefly stated, the prosecution case is that the complainant party was subjected to firing by the accused persons, resulting in the deaths of deceased Sadaruddin and his minor son Muzamil, aged about 7/8 years. According to the prosecution, the fatal shot which hit deceased Muzamil was fired by an unknown accused, who was subsequently identified as the present applicant. In contrast, the remaining accused persons are alleged to have caused the murder of deceased Sadaruddin. The incident allegedly occurred on 26.11.2025 at about 08:15 a.m., whereas the F.I.R. came to be lodged on the same day at about 08:00 p.m. Thereafter, on 27.11.2025, the statements of the witnesses under Section 161 Cr.P.C. were recorded, wherein for the first time the present applicant was nominated and attributed the specific role of causing the fatal firearm injury to deceased Muzamil. Subsequently, on 02.01.2026, the applicant was arrested, and a weapon was allegedly recovered from his possession, whereupon the offshoot case under the Sindh Arms Act was also registered.

3. Learned counsel for the applicant contended that the applicant was not nominated in the F.I.R.; neither his name nor any description capable of identifying him was disclosed therein. He argued that the subsequent implication of the applicant through statements recorded under Section 161 Cr.P.C. is a matter requiring deeper appreciation of evidence at trial. Learned counsel further submitted that on 20.12.2025 one Sain Bux, relative of the applicant, had filed an application under Section 491 Cr.P.C. before the learned Sessions Judge, Kandhkot, alleging illegal detention of the present applicant by the police. According to the said application, a Mazda vehicle had been taken into custody by

the police and, after obtaining an order for its release, the applicant and other were allegedly detained by the police on 19.12.2025. It is thus argued that the applicant had already been in police custody much prior to the date of his alleged arrest shown by the prosecution, rendering the prosecution story doubtful. Learned counsel lastly submitted that the case of the applicant falls within the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C, entitling him to the concession of bail.

4. Conversely, learned counsel for the complainant opposed the bail application and submitted that the occurrence resulted in the deaths of both father and son during an operation launched against dacoits, and the applicant was subsequently identified by the eye-witnesses as the person who caused the fatal injury to deceased Muzamil. He argued that the delay in lodging the F.I.R. stands satisfactorily explained and no motive has been suggested as to why the prosecution witnesses would falsely implicate the applicant while sparing the real culprit. Therefore, according to him, no case for grant of bail is made out.

5. Learned State Counsel adopted the arguments advanced by learned counsel for the complainant and submitted that although the applicant was not named in the F.I.R., his role was specifically attributed and he was subsequently identified by the witnesses. He therefore prayed for dismissal of the bail applications.

6. Heard the learned counsel for the parties and have perused the available record.

7. The contention of the learned counsel for the applicant regarding delay in lodging of the F.I.R. carries no force. The record reflects that the F.I.R. was lodged on the very day of

the occurrence and the delay, if any, stands sufficiently explained therein. Prima facie, the circumstances disclose that there was no occasion for deliberation or consultation before setting the criminal law into motion. Furthermore, on the very next day of the incident, the prosecution witnesses, in their statements recorded under Section 161 Cr.P.C., specifically disclosed the name of the present applicant and attributed to him the role of causing the fatal firearm injury to deceased Muzamil. Although the applicant was not nominated by name in the F.I.R., his active participation in the occurrence was clearly reflected therein, and his subsequent identification by the witnesses lends support to the prosecution version. Therefore, at this tentative stage, there exist reasonable grounds to believe that the applicant is connected with the commission of the alleged offence. Guidance in this regard is derived from ***Ghazi Arab v. The State*** **(2025 SCMR 1967).**

8. So far as the defence plea regarding the application under Section 491 Cr.P.C. is concerned, the same does not prima facie advance the case of the applicant. The record reveals that the prosecution witnesses had already disclosed the name of the applicant on 27.11.2025, whereas the application under Section 491 Cr.P.C. was filed much later on 20.12.2025. Thus, the defence version appears to be an afterthought and requires deep thoughtful appreciation of evidence. Moreover, once the applicant had already surfaced in the investigation as an accused nominated through the statements of prosecution witnesses, the question as to how and under what circumstances he allegedly approached the police authorities for restoration of a vehicle is a matter requires deeper appreciation.

9. The record further reflects that the crime empties secured during investigation were sent for forensic examination and were reportedly matched with the recovered firearm. The statements of the prosecution witnesses, coupled with the other incriminating material collected during investigation, prima facie point towards the involvement of the applicant in the commission of the offence. The allegations pertain to a brutal occurrence in which a minor child aged about 7/8 years and his father lost their lives. At this stage, the material available on record provides sufficient nexus connecting the applicant with the crime and does not bring his case within the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C. In these circumstances. Reliance in this regard is placed upon the cases of ***Yar Muhammad Khan v. The State and another*** **reported as** ***2024 SCMR 1738 and Aitbar Muhammad v. The State and others*** **(2024 SCMR 1576).**

10. Furthermore, the offence alleged against the applicant falls within the prohibitory clause of Section 497(1), Cr.P.C. It is now a settled principle of law that in cases involving offences falling within the prohibitory clause, the concession of post-arrest bail can ordinarily be extended only in exceptional circumstances. Broadly, such relief may be granted where the accused falls within the beneficial category contemplated by the first proviso to Section 497(1), Cr.P.C., namely where the accused is a minor, a woman, sick or infirm; secondly, where there has been an inordinate delay in the conclusion of the trial not attributable to the accused; and thirdly, where the material available on record does not disclose reasonable grounds for believing that the accused has committed the alleged offence and the case calls for further inquiry within the meaning of Section 497(2), Cr.P.C. In the present case, none of the aforesaid exceptions is

attracted. Therefore, the case of the applicant does not fall within any of the recognized exceptions warranting the grant of post-arrest bail. Guidance in this regard is derived from the case of ***Muhammad Atif v. The State and another*** **(2024 SCMR 1071).**

11. Keeping in view the foregoing discussion, the material available on record, and the principles laid down in the authorities referred to above, we are of the tentative view that the applicant has failed to make out a case for the grant of post-arrest bail. Consequently, Bail Application No.D-36 and Bail Application No.D-37 of 2026 are hereby dismissed. Needless to observe that all findings recorded herein are purely tentative in nature and shall not prejudice either party during the course of trial, which shall be decided strictly based on evidence adduced before the learned trial Court.

JUDGE

JUDGE