

IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA

Criminal Bail Application No. S-77 of 2026

Before:

Mr. Justice Ali Haider 'Ada'.

Applicant : Tanveer son of Munawar Ali
Khakhrani, *through* Mr. Ahmed
Bux Abro, Advocate.

The State : *Through* Mr. Nazir Ahmed
Bangwar, Deputy Prosecutor
General Sindh.

Date of Hearing : 11.06.2026
Date of Order : 11.06.2026.
Date of Reasons : 22.06.2026.

ORDER

Ali Haider 'Ada' J.- Through this bail application, the applicant seeks post-arrest bail in FIR No.39 of 2021, registered at Police Station Rasheed Waggan, for offences punishable under Sections 302, 114 and 34, P.P.C., lodged by complainant Ali Muhammad. Prior to filing the instant application, the applicant approached the learned trial Court for the same relief; however, his bail application was dismissed vide order dated 09.12.2025.

2. Briefly stated, the prosecution case is that the present applicant, along with his co-accused, allegedly inflicted a pickaxe blow upon the abdomen of the deceased Amanullah, resulting in his death. The alleged incident is stated to have occurred on 31.08.2021, whereas the F.I.R. was lodged on 26.09.2021.

3. Learned counsel for the applicant contended that there is an unexplained and inordinate delay in the registration of the F.I.R., which casts serious doubt upon the prosecution

case. He further argued that there is a material inconsistency between the ocular account and the medical evidence, inasmuch as the applicant is attributed a pickaxe injury on the abdomen of the deceased, whereas the postmortem report does not disclose any injury on that part of the body. According to him, the case of the applicant squarely falls within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C. He, therefore, prayed for the grant of post-arrest bail.

4. Conversely, it is reflected from the order sheet dated 09.03.2026 that the complainant appeared before the Court and expressed confidence in the learned Law Officer to prosecute the matter. Learned Deputy Prosecutor General opposed the application and submitted that the applicant has been specifically nominated in the F.I.R. with a definite role of causing injury to the deceased. He argued that the prosecution case is fully supported by both ocular and medical evidence and that sufficient material is available on record to prima facie connect the applicant with the commission of the offence. He, therefore, prayed for dismissal of the bail application.

5. Heard and perused the available record with their assistance.

6. The role assigned to the present applicant in the F.I.R. is that he inflicted a pickaxe blow upon the abdomen of the deceased. However, a tentative examination of the postmortem report reveals that no injury was found on the abdominal region of the deceased. The Medical Officer opined that the cause of death was cardio-respiratory failure and hemorrhagic shock resulting from pelvic injuries caused by a hard and blunt substance. This apparent contradiction

between the ocular account and the medical evidence creates a serious doubt regarding the exact manner of occurrence and the role attributed to the applicant, thereby rendering the matter one of further inquiry. It is a settled principle of law that where medical evidence is at variance with the ocular testimony, the benefit of such discrepancy is to be extended to the accused. Reliance in this regard may be placed upon the cases of ***Ehsan Akbar v. The State and others (2007 SCMR 482)***, ***Mst. Yasmin Butt v. Majid Baig alias Bobby Pehlwan and another (2008 SCMR 1602)***, ***Muhammad Ramzan v. Rahib and others (PLD 2010 SC 585)***, ***Khalid Mehmood and another v. Muhammad Kashif Rasool and others (2013 SCMR 1415)***, ***Syed Khalid Hussain Shah v. The State and another (2014 SCMR 12)***, ***Awal Khan and others v. The State through A.G., KPK and another (2017 SCMR 538)***, and ***Mir Muhammad v. The State through Prosecutor General Sindh (2024 SCMR 805)***.

7. Furthermore, the alleged incident took place on 31.08.2021 at about 8:30 a.m., whereas the F.I.R. was lodged on 26.09.2021 at 4:00 p.m., after a delay of approximately twenty-six days. The police papers reveal that the memo of inspection of the dead body, Lash Chakas Form and Danishnama were all prepared on the date of occurrence. The F.I.R. itself reflects that the complainant shifted the injured to the hospital and informed the police about the incident. In such circumstances, the delay in registration of the F.I.R. remains unexplained and gives rise to a reasonable inference of deliberation and consultation, thereby adversely affecting the credibility of the prosecution version. Reliance is placed upon ***Mazhar Ali v. The State (2025 SCMR 318)***.

8. It is also noteworthy that although the applicant was arrested on 05.10.2025, no incriminating article or weapon was recovered from his possession. Moreover, the Investigating

Officer had recommended disposal of the case under "C-Class", which is a circumstance requiring due consideration at the bail stage. It is by now a settled proposition of law that where reasonable doubt exists regarding the involvement of an accused, the benefit thereof is to be extended even at the stage of bail. In this regard, reliance may beneficially be placed upon **Abdul Rehman v. The State (2023 SCMR 2081)**.

9. For the foregoing reasons and tentative assessment of the material available on record, this Court was of the view that the case of the applicant calls for further inquiry within the meaning of Section 497(2), Cr.P.C. Consequently, the post-arrest bail application was allowed vide short order dated 11.06.2026, whereby the applicant, namely Tanveer, was admitted to bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and a P.R bond in the like amount to the satisfaction of the learned trial Court. Needless to observe that the observations made herein are purely tentative in nature and confined solely to the determination of the instant bail application. The learned trial Court shall decide the case strictly on the basis of the evidence that may be brought on record, without being influenced in any manner by any observation contained in this order. These are the reasons for the short order dated 11.06.2026.

J U D G E