

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Application No.S-509 of 2026

(Parvez Ali Shahani v. The State)

Mr. Abdul Baqi Jan Kakar, Advocate for the Applicant.

Mr. Sanaullah Advocate along with Complainant.

Mr. Shafi Muhammad Mahar, Deputy Prosecutor General for the State.

Date of Hearing: **10-07-2026**

Date of Decision: **20-07-2026**

O R D E R

ZULFIQAR ALI SANGI, J.- Through the instant Criminal Bail Application, the applicant/accused, namely Parvez Ali Shahani, seeks the concession of post-arrest bail in Crime No.80 of 2025, registered at Police Station Ranipur, District Khairpur, for offences punishable under Sections 302, 337-H(ii), 403, 147, 148 and 149, Pakistan Penal Code, after his application for post-arrest bail was declined by the learned trial Court vide order dated 17.02.2026.

2. Briefly stated, the prosecution case, as set out in the First Information Report lodged by complainant Mst. Shabana Shahani on 20.06.2025 at about 6:30 p.m., is that a dispute regarding the ownership and possession of a residential house situated in the village was pending between the complainant party and accused Noshad alias Nosho along with his co-accused. It is alleged that on account of the said dispute, the accused persons had earlier caused injuries to the complainant's son, Raheel, in respect whereof Crime No.11 of 2025 had already been registered against them. According to the prosecution, the accused persons thereafter developed a grudge against the complainant party and repeatedly threatened that unless the said criminal case was withdrawn, they would eliminate the complainant's son.

3. It is the further case of the prosecution that on 13.06.2025, the complainant, accompanied by her son Raheel and her sister Aqeela, wife of Hakim Ali, proceeded to Village Qaisar Khan Shahani to inquire after the health of her ailing father. After taking dinner there, while returning

to Ranipur at about 1:30 a.m., upon reaching the link road adjacent to the Primary School of Village Qaisar Khan Shahani, they allegedly encountered the present applicant along with the remaining nominated accused, all armed with sophisticated firearms, including G-3 rifles, Kalashnikovs and a gun. It is alleged that the accused persons intercepted their motorcycle, compelled them to dismount, and demanded withdrawal of the previously registered criminal case. Upon refusal, all the accused persons, including the present applicant, allegedly resorted to indiscriminate firing upon deceased Raheel in prosecution of their common object to commit his murder, whereas accused Ayoub and two unidentified accused allegedly inflicted butt blows upon him. It is further alleged that after causing fatal firearm injuries, the present applicant removed the Infinix Note-50 mobile phone of the deceased before all the accused fled from the scene of occurrence. As a consequence of the multiple firearm injuries and blunt-force trauma, Raheel succumbed to the injuries sustained by him. Thereafter, following completion of the medico-legal formalities and burial of the deceased, the complainant lodged the instant F.I.R.

4. Learned counsel for the applicant contended that the applicant is wholly innocent and has been falsely implicated due to previous enmity and the existence of a cross-version between the parties. It was argued that the F.I.R. was lodged after an unexplained delay of six days, which seriously dents the veracity of the prosecution case. Learned counsel further submitted that the Call Detail Records (CDRs) of the complainant and the deceased, as well as an inquiry report allegedly conducted under the directions of the Senior Superintendent of Police, Khairpur, belie the prosecution version with regard to the place of occurrence and the presence of the complainant at the relevant time. It was further contended that the present case has been engineered as a counterblast to Crime No.77 of 2025 registered against the complainant party relating to the murder of Abdul Ghafoor Shahani. Learned counsel next argued that no specific injury has been attributed to the applicant, no incriminating weapon has been recovered from his possession, and only a general allegation of firing has been levelled against him. It was further submitted that the alleged occurrence took place during the darkness of night, rendering the identification of as many as fourteen accused merely

in the light of a motorcycle headlamp highly improbable and inherently doubtful. Lastly, it was contended that the prosecution case rests solely upon the testimony of interested witnesses and that the material available on record gives rise to sufficient doubt, thereby bringing the matter within the ambit of further inquiry as envisaged under Section 497(2), Cr.P.C. In support of his submissions, learned counsel relied upon the judgments reported as 2025 SCMR 318, 2017 SCMR 538, 2022 SCMR 663, 2026 YLR 158, 2014 Pak Cr.L.J. 1123 and 2026 MLD 192.

5. Conversely, learned Deputy Prosecutor General, assisted by learned counsel representing the complainant, vehemently opposed the bail application. It was submitted that the applicant has been specifically nominated in the F.I.R. with a definite and active role of making direct firearm shots at the deceased in furtherance of the common object shared by all the accused persons. It was argued that the offence falls squarely within the prohibitory clause of Section 497, Cr.P.C., being punishable with death or imprisonment for life. It was further submitted that the ocular account furnished by the prosecution witnesses is confidence-inspiring and finds substantial corroboration from the medical evidence available on record. Learned law officers further argued that there was no possibility of mistaken identity, as the parties admittedly belong to the same village and were well known to each other. It was maintained that all the pleas raised on behalf of the applicant pertain to disputed questions of fact, which require recording of evidence and cannot be conclusively adjudicated upon at the bail stage. Reliance was placed upon *Faiz Muhammad v. The State* (2025 YLR 279), *Aziz-ur-Rehman v. The State* (2026 MLD 61), *Johar Hussain v. The State* (2021 PCr.L.J. Note 36), *Meer Hussain v. The State* (2021 MLD 1176), and *Mst. Shazia Mehmood v. The State* (2025 MLD 1976).

6. I have heard the learned counsel for the applicant, the learned Deputy Prosecutor General, learned counsel for the complainant, the complainant present in person, and have carefully examined the material available on record with their valuable assistance.

7. The principles governing the grant of post-arrest bail are by now well settled. At the bail stage, the Court is not required to undertake a meticulous appreciation of the evidence or conduct a deeper examination

of the merits of the prosecution case, as such an exercise may prejudice the case of either party during trial. The scope of inquiry at this stage is confined to a tentative assessment of the available material in order to ascertain whether there exist reasonable grounds for believing that the accused has committed the offence alleged against him. Where such reasonable grounds are available and the offence falls within the prohibitory clause of Section 497(1), Cr.P.C., the concession of post-arrest bail is ordinarily to be withheld unless the accused succeeds in demonstrating exceptional circumstances, apparent mala fides, patent legal infirmity, or that the case falls within the purview of further inquiry under Section 497(2), Cr.P.C.

8. A tentative appraisal of the record reveals that the applicant has been specifically nominated in the F.I.R. with a distinct, active and effective role. According to the prosecution, the applicant, while armed with a G-3 rifle, actively participated in indiscriminate firing upon the deceased in furtherance of the common object shared with the remaining accused persons. Besides the allegation of direct participation in the firing, the applicant has further been attributed the specific role of removing the Infinix Note-50 mobile phone belonging to the deceased after the commission of the offence. Prima facie, therefore, the role assigned to the applicant cannot be characterized as vague, omnibus or merely ancillary.

9. The medical evidence also, at least tentatively, lends support to the prosecution version. **The post-mortem report reflects that the deceased sustained as many as forty injuries, out of which injuries Nos.1 to 24 were caused by firearm projectiles, whereas injuries Nos.25 to 40 were attributed to hard and blunt substance.** The nature, seat and multiplicity of injuries are consistent with the ocular account furnished by the prosecution witnesses, and no apparent contradiction or inconsistency has been pointed out at this stage so as to justify extending the concession of post-arrest bail.

10. The contention regarding the delay of six days in lodging the F.I.R. also does not persuade this Court to enlarge the applicant on bail. The prosecution has offered an explanation that the delay occurred due to shifting the injured to the hospital, completion of post-mortem

formalities and performance of the funeral and burial rites. Whether such explanation ultimately inspires confidence is a matter to be examined by the learned trial Court after recording evidence. At this stage, mere delay in the registration of the F.I.R., particularly in a case involving the offence of murder where the immediate concern of the family ordinarily remains the medical treatment of the injured and burial of the deceased, by itself does not constitute a valid ground for the grant of post-arrest bail when the prosecution case is otherwise supported by direct ocular evidence.

11. Likewise, the submission that the occurrence took place during the darkness of night and, therefore, identification of the accused persons is doubtful, does not carry much substance at this stage. The F.I.R. itself discloses that both parties were previously known to each other owing to the admitted property dispute and earlier criminal litigation. Where the accused persons and the complainant party are well acquainted with each other, the possibility of mistaken identity is considerably diminished. The correctness or otherwise of the prosecution claim regarding identification can only be effectively adjudicated upon after recording evidence before the learned trial Court.

12. Similarly, the submissions concerning the Call Detail Records, the inquiry report allegedly conducted under the directions of the Senior Superintendent of Police, Khairpur, the plea of false implication, the existence of cross-cases, and the assertion that the present F.I.R. is a counterblast to Crime No.77 of 2025, involve disputed questions of fact requiring thorough examination through the process of recording evidence and cross-examination of witnesses. Such controversial factual issues cannot be conclusively determined while exercising jurisdiction in a post-arrest bail matter, where the Court is only required to undertake a tentative assessment of the material available on record.

13. It is further noteworthy that the applicant is charged with the commission of an offence punishable under Section 302, P.P.C., which carries the punishment of death or imprisonment for life and, therefore, unmistakably falls within the prohibitory clause of Section 497, Cr.P.C. The applicant has failed to point out any exceptional circumstance indicative of mala fide, patent legal defect, or absence of reasonable

grounds connecting him with the commission of the alleged offence so as to entitle him to the extraordinary concession of post-arrest bail.

14. Upon a tentative evaluation of the material available on record, I am satisfied that there exist reasonable grounds for believing that the applicant has participated in the commission of the offence alleged against him. Consequently, the case does not appear to fall within the ambit of further inquiry contemplated under Section 497(2), Cr.P.C. The pleas advanced by the defence essentially constitute matters of defence, which shall receive due consideration after the parties adduce their respective evidence before the learned trial Court.

15. For the foregoing reasons, I am not persuaded to extend the concession of post-arrest bail to the applicant. Consequently, the instant Criminal Bail Application, being devoid of merit, is **dismissed**.

16. Needless to observe that all observations made hereinabove are purely tentative in nature and confined exclusively to the determination of the present bail application. The learned trial Court shall decide the case strictly on the basis of the evidence that may be produced before it, without being influenced in any manner by any observation contained in this order.

J U D G E