

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Bail Application No. S-474 of 2026
(Muhammad Din Rajper Vs. The state)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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For hearing of post-arrest bail.

15-07-2026.

Mr. Yar Khan Shambani, advocate for the applicant.
Mr. Atta Hussain Chandio, advocate for the complainant.
Mr. Muhammad Raza Katohar, DPG

ORDER

Jawad Akbar Sarwana, J:- Through this post-arrest bail application, applicant Muhammad Din s/o Muhammad Murad by caste Rajpar seeks post-arrest bail which was denied to him by the lower forum in a case registered against him and other co-accused vide FIR No.29/2025 dated 16.07.2025, under Sections 302, 355, 337-Ai, Fi, 114, 147, 148, 149 PPC at P.S. Khenwari.

2. The Counsel for the Applicant/accused has contended that the accused is not nominated for the murder of the deceased Muhammad Urs and, at best, has merely been alleged to have caused injuries to the deceased as per the medical record available on file. He contended that the element of commission/intention has yet to be proven and that the trial is still underway. Therefore, he is entitled to post-arrest bail.

3. Learned Counsel for the Complainant has vehemently opposed the arguments of learned Counsel for the applicant/accused. Counsel contends that there is a clear commission on the part of the applicant/ accused and that he clearly participated in the crime in conspiracy with the co-accused who murdered the deceased Muhammad Urs. Further, the pistol which he used to strike the deceased on his buttocks has been recovered, and a separate FIR has been lodged against him in this regard. Finally, Counsel contended that the trial proceedings are at an advanced stage and no meaningful purpose will be served in the release of the accused at this late stage.

4. The learned DPG has adopted the arguments of the complainant. He has further submitted that the reliance by the applicant on an order of the Supreme Court passed in Criminal Petition No.877/2026 wherein the co-accused Muhammad Salim and Gulab, who were involved in causing hurt to the deceased by way of lathi, have been granted pre-arrest bail, is not relevant and in the facts and circumstances of the case, the accused cannot take the plea of the rule of consistency based on the said Supreme Court order.

5. Heard arguments. Record perused.

6. As per the contents of the FIR, on the evening of 15.07.2025, the applicant and co-accused, on account of a property dispute, launched an attack upon the Complainant party and allegedly committed the murder of Muhammad Urs (deceased) and caused injuries to Ashique Hussain, injured PW. The accused persons also shaved the hair and moustaches of Muhammad Urs (deceased) before committing his murder. The allegation of cutting the right ear of the deceased is also levelled against the accused persons, hence the FIR. It may be clarified that the allegations mentioned above are pleaded generally against the accused persons.

7. I have noted from the FIR, too, that “the accused Muhammad Din caused the butt blows of pistol to the deceased on his buttocks”. Further, it is also apparent from the FIR that as regards to the murder of Muhammad Urs (deceased), his death is not attributed to the present applicant; rather, it is alleged that he shares a common intention with the co-accused to commit the murder. Additionally, admittedly, the applicant is not attributed to causing any firearm injury either to the deceased, to the injured or to the eyewitnesses. The deceased received only one firearm injury, which is attributed to co-accused Muzafar. The specific role assigned to the applicant in the FIR is one of causing hurt to Muhammad Urs (deceased). Per the post-mortem report available on record relating to Muhammad Urs (deceased), the injuries suffered by him as attributable to the applicant are classified as follows:-

“Injury No.6: Multiple bruises are present on the left and right gluetal areas”

8. From the narration of the FIR and in the light of the post-mortem report, at this stage, as the applicant party's injury to the deceased are in the nature of Section 337(Fi) PPC; are injuries to a

non-vital part of the body; and, further, such injuries suffered by deceased fall in bailable offence, it cannot be conclusively said that there was a common intention to commit murder on the part of the applicant/accused. In the facts and circumstances of the case, at this bail stage, the matter requires further evidence as to whether the applicant shared common intention. Further, whether the charge, in the matrix of the case, can be held to be proven beyond reasonable doubt against the applicant; whether the applicant, in view of the role assigned to him, can be held to be vicariously liable (by way of common intention) for the murder of Muhammad Urs (deceased), and whether it can be awarded sentence thereto, etc. - all these questions, require further inquiry bringing the case within the ambit of Section 497(2) Cr.P.C.

9. Finally, as per the submissions by learned Counsel, the investigation against the applicant and co-accused has also been completed, and his physical custody is not required for investigation; therefore, there is no purpose in keeping him behind bars.

10. Given the above reason, and, in the facts and circumstances of the case, a case of post-arrest bail is made out. Accordingly, bail is hereby granted to the present applicant/accused, Muhammad Din s/o Muhammad Murad Rajper, subject to furnishing solvent surety in the sum of Rs.300,000/- and PR Bond in the like amount to the satisfaction of the trial Court.

11. Needless to say, the above observations are only a tentative assessment and shall not be relied upon by the parties and the trial Court.

12. The instant bail application stands allowed in the above terms.

J U D G E

15.07.2026

Faisal Mumtaz/PS