

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Cr. Bail Application No. S-53 of 2026

Applicants : Shafqat Ali Shah son of Mumtaz Ali Shah,
Aijaz Ali Shah son of Ali Akbar Shah,
Habibullah Shah son of Ali Asghar Shah,
Amjad Ali Shah son of Yar Muhammad Shah and
Abbas Ali Shah son of Sheral Shah
Through M/s Haji Abdul Karim Luhrani, Mumtaz Ali Jessar and Muhammad Aslam Jatoi, advocates

Complainant : Syed Mehboob Ali Shah
Through Mr. Sher Ali Chandio, advocate.

The State : Mr. Nazeer Ahmed Bhangwar, D.P.G for the State

Dates of hearing : 09-07-2026 and 16-07-2026

Date of the : 24-07-2026
announcement
of order

ORDER

JAWAD AKBAR SARWANA, J.:- Through the captioned bail application, applicants/accused (i) Shafqat Ali Shah son of Mumtaz Ali Shah; (ii) Aijaz Ali Shah son of Ali Akbar Shah; (iii) Habibullah Shah son of Ali Asghar Shah; (iv) Amjad Ali Shah son of Yar Muhammad Shah; and, (v) Abbas Ali Shah son of Sheral Shah, seek post-arrest bail in Crime No.146/2025, registered at Police Station Radhan Station, for the offences U/S 324, 147, 148, 149, 114, 504, 337-H(ii) P.P.C. Earlier their bail applications were declined by the learned II-Additional Sessions Judge, Mehar in Cr. Bail Appln. No. 114/2026, vide order dated 31.01.2026.

2. Although the details and particulars of the F.I.R are available in the bail application and the F.I.R; yet the same may be summarized as that the above-mentioned five accused

persons/applicants were nominated by the complainant, Syed Mehboob Shah (brother of Muhammad Shah), in the aforesaid F.I.R alleging that the co-accused/applicant allegedly caused injuries as follows:-

(i) accused/applicant Shafqat Shah allegedly fired shot(s) with a repeater at Senghar Shah (left thigh),

(ii) accused/applicant Ayaz Shah allegedly fired shot(s) with repeater at Muharram Shah (on both legs),

(iii) accused/applicant Habibullah Shah allegedly fired shot(s) with repeater upon Zeeshan (left leg below the knee);

and,

the remaining two co-accused/applicants,

(iv) accused/applicant Amjad Ali Shah; and,

(v) Abbas Ali Shah

threatened with danda and lathi, etc.

Further, all five co-accused along with certain other additional co-accused (who are named in the crime but are absconders at present) allegedly made aerial firing.

3. Learned counsel for the applicants/accused submits that the applicants/co-accused are innocent; they have been falsely implicated in the case; the memo of injuries was recorded before the lodgment of the F.I.R; the F.I.R itself acknowledges that there is a dispute and a history of enmity between the parties; the injuries sustained U/S 337-F(vi) as per the final M.L.C does not fall within the ambit of prohibitory clause; as per the memo of inspection no cartridges were found from the rifle and pistol of the

absconders; no blood stains on earth was found and the investigation has been completed, yet the applicants/accused are still in confinement, the five applicants/accused are neither required for further investigation nor case of further inquiry is made out. Thus, counsel pray for grant of post-arrest bail to the applicants/co-accused.

4. On the other hand, learned D.P.G. and learned counsel for the complainant, have vehemently opposed the grant of bail to the applicants/accused. They submit that the accused persons are implicated by name; the two applicants/co-accused fired upon the complainant party; the empties from the repeater have been recovered as per the memo of inspection; the daily diary of Police Station dated 17.12.2025 at 12-00 p.m. positively mentions the incident, therefore, there is no delay in the registration of the F.I.R eventually lodged on 18.12.2025 at 1300 hours mentioning the date of occurrence of the alleged crime as on 17.12.2025 at 11-00 a.m; the applicants/co-accused are named in the F.I.R with specific roles assigned to each and section 324 P.P.C falls under the prohibitory clause. Therefore, no case for bail is made out.

5. Heard learned counsel for the parties and D.P.G as well as perused the material available on record.

6. It appears that on the day of the alleged crime, the three applicants/co-accused, namely, (i) Shafqat Shah, (ii) Aijaz Shah and (iii) Habibullah Shah, fired their repeaters on three injured persons, namely, Seengar, Muharram and Zesshan, respectively. All three received injuries, as per the M.L.C report; however, the extent of their injury varies, and the counts mentioned vary between the FIR and M.L.C., which requires further inquiry. Additionally, the applicants/accused fired on the non-vital part of the injured. The applicants/co-accused could have fired directly and fatally wounded the injured, but they chose not to do so. Instead, they all fired on the legs of the injured. As such, the ingredients of Section 324 P.P.C viz. mens rea of

intention require to be proved during the trial, which calls for further inquiry at this stage of post-arrest bail.

7. Further, the memo of property is also neither available in the police file nor mentioned in the final challan. This is unusual, and its non-availability on record may have legal consequences at trial. This merits consideration at the post-arrest bail stage too. Moreover, no blood stains were found on earth in the memo of inspection in spite of the injuries mentioned in the final M.L.C. All the accused were alleged to have made aerial firing, yet no cartridges were found from the rifle as per the memo of inspection. The repeater allegedly used by the three applicants/co-accused named above is yet to be found. Finally, although the daily diary register shows an entry of 17.12.2025 at 12-00 p.m, the entry mentions Mehboob Shah (who is the brother of Muhammad Shah) reporting the alleged crime in the first instance, but he is not the complainant of the FIR. His brother. Muhammad Shah, who is the complainant, does not name Mehboob Shah as a witness in the F.I.R. This is material at the bail stage, as it is an admitted position, as per the contents of the FIR, that there is enmity between the parties. This aspect too calls for further inquiry. Last but not least, the applicants/accused have no C.R.O and the applicants/co-accused are not required for the investigation which stands completed, whereas the trial is still underway and yet to be concluded.

8. Given the above, whether the charge, in the matrix of the case, can be held to be beyond reasonable doubt against the applicants; whether the applicants in the roles assigned to them could be held to be vicariously liable by way of common intention and given the injury mentioned the final M.L.C under Section 337-F(vi) P.P.C could be awarded the sentence thereto, etc. -- all these questions require further inquiry within the ambit of Section 497(2) Cr.P.C.

9. Therefore, bail application is hereby allowed, and bail is granted to the applicants/accused as follows:

- (a) The applicants/accused (i) Shafqat Ali Shah, (ii) Aijaz Ali Shah and (iii) Habibullah Shah are allowed post-arrest bail subject to furnishing solvent surety in the sum of Rs.300,000/- (Rupees three hundred thousand) each and PR bond in the like amount to the satisfaction of learned trial court; and
- (b) The applicants/accused, (iv) Amjad Ali Shah and (v) Abbas Ali Shah are allowed post-arrest bail subject to furnishing solvent surety in the sum of Rs.150,000/- (Rupees one hundred fifty thousand) each and PR bond in the like amount to the satisfaction of learned trial court.

10. Needless to mention that the observations made herein are merely tentative and shall not be relied upon by the parties or by the trial court.

11. The bail application is allowed in the above terms.

J U D G E

Abdul Salam/P.A