

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
LARKANA**

Before:
Mr. Justice Riazat Ali Sahar,
Mr. Justice Ali Haider 'Ada',

1st Cr. Bail Application No.D-57 of 2026

Applicant : Muhammad Salah s/o Mangh Khan
Bangulani *Through* Mr. Habibullah G.
Ghouri, Advocate.

L.Rs/son of deceased : Muhammad Hussain s/o Ghulam Qadir
Mahar *Through* Mr. Saddam Hussain
Kalhoro, Advocate.

The State : *Through* Mr. Nazeer Ahmed Bhangwar,
D.P.G.

Date of hearing : 05.08.2026.

Date of Order : 05.08.2026.

ORDER

Riazat Ali Sahar, J.- Through the instant bail application, the applicant seeks post-arrest bail in FIR No. 23 of 2025, registered at Police Station Garhi Hassan, District Jacobabad, for offences punishable under Sections 302, 324, 353, 148 and 149 PPC, read with Sections 6/7 of the Anti-Terrorism Act, 1997. Earlier, the applicant's bail plea was declined by the learned trial Court vide order dated 14.02.2026.

2. The allegations against the present applicant/accused, as borne out from the FIR, are that on 23.08.2025, at about 0845 hours, at Police Picket Ashiq Abad, accused Khalid and Imdad, armed with K.Ks, along with four unknown culprits, duly armed with T.T. pistols, after forming an unlawful assembly and in prosecution of their common object, deterred the police party of Police Station Garhi Hassan, headed by ASI Ghulam Sarwar Buriro, from

discharging its lawful duties as public servants and thereafter committed the murder of HC Ghulam Qadir by causing firearm injuries to him.

3. Learned counsel for the applicant, inter alia, contended that the applicant's name does not find mention in the FIR and that he was subsequently nominated in the statements under Section 161 Cr.P.C., recorded after considerable delay. It was further contended that no description, features or identification marks of the unknown accused were given in the FIR. Learned counsel submitted that all the prosecution witnesses are police officials and no independent witness has been cited, despite the fact that the police had admittedly received spy information well in advance regarding the presence of the alleged culprits. It was, therefore, argued that the case of the applicant calls for further inquiry within the meaning of Section 497(2) Cr.P.C., entitling him to the concession of post-arrest bail.

4. Conversely, learned Deputy Prosecutor General Sindh, assisted by learned counsel for the legal heirs of the deceased, opposed the grant of post-arrest bail, contending that the applicant was named by the complainant in his further statement and his involvement was further substantiated by the prosecution witnesses in their statements under Section 161 Cr.P.C. It was argued that the principle of vicarious liability is attracted to the applicant, as the offence was allegedly committed in prosecution of the common object of the unlawful assembly, and therefore, he does not deserve the concession of bail.

5. We have heard learned counsel for the respective parties and have carefully perused the material available on record.

6. Prima facie, it is observed that a specific role has been attributed to co-accused Khalid and Imdad, who were allegedly armed with K.Ks and fired upon the deceased HC Ghulam Qadir. The name of the present applicant does not transpire in the FIR and he has subsequently been roped in the case on the basis of statements under Section 161 Cr.P.C. of the prosecution witnesses and the further statement of the complainant. The recovery of a pistol from the applicant also requires further probe, particularly when the said weapon has not been shown to have been used in the murder of deceased HC Ghulam Qadir. Moreover, the challan has already been submitted before the learned trial Court on 12.11.2025 and the applicant is no longer required for the purpose of further investigation. In these circumstances, the tentative

assessment of the material available on record brings the case of the applicant within the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C. Consequently, the applicant is entitled to the concession of post-arrest bail.

7. Accordingly, the instant bail application is allowed. The applicant/accused shall be released on post-arrest bail subject to his furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Hundred Thousand only) and P.R. bond in the like amount to the satisfaction of the learned trial Court.

8. The observations made hereinabove are tentative in nature and shall not prejudice the merits of the case at the trial.

JUDGE

JUDGE