

**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-96 of 2026

Applicant : Abdul Khalique son of Nazir Ahmed Bhutto, *Through* Mr. Azhar Hussain Abbasi, Advocate.

Complainant : Muhammad Siddique s/o Jamaluddin Bhutto, *Through* Mr. Imtiaz Ahmed Bugti, 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 the concession of pre-arrest bail in FIR No. 101 of 2026, registered at Police Station New Foujdari, District Shikarpur, for offences punishable under Sections 302, 324, 386, 109, 504, 148, 149 PPC read with Sections 6/7 of the Anti-Terrorism Act, 1997. The applicant, having been declined the relief of pre-arrest bail by the learned trial Court vide order dated 10.06.2026, has invoked the jurisdiction of this Court under Section 498-A Cr.P.C. for the same relief.

2. The allegations against the present applicant/accused, as borne out from the FIR, are that on 14.05.2026 at about 09:20 p.m., accused Muhammad Moosa *alias* Boro, Farooq Ahmed (armed with K.Ks), Muhammad Haroon, Tariq Ahmed, along with two unknown culprits armed with T.T. pistols, allegedly waylaid the complainant party on the link road Juno, adjacent to Abdul Fattah Flour Mill/Machine. It is further alleged that, in a fit of rage

over demand of further bhatta, they committed the murder of complainant's brother Abdul Rehman by firing at him, and also caused injuries to PW Wakeel Ahmed. Thereafter, while making aerial firing to create terror, they fled towards the eastern side.

3. Learned counsel for the applicant, inter alia, contended that the applicant is innocent and has been falsely implicated in this case due to mala fide intentions and ulterior motives. It was further contended that the FIR is delayed by about 15 hours without any plausible explanation. It is also argued that, as per the FIR itself, the present applicant was not present at the place of incident and has only been alleged to have instigated the co-accused for demanding bhatta, which aspect requires further inquiry. It is further submitted that after grant of interim pre-arrest bail, the applicant has not misused the concession and has been regularly attending the learned trial Court, therefore, he is entitled to confirmation of bail.

4. Conversely, learned Deputy Prosecutor General Sindh, assisted by learned counsel for the complainant, opposed the confirmation of interim pre-arrest bail, contending that the applicant actively participated in the commission of the offence by instigating the co-accused to demand bhatta and commit the crime. It was argued that the applicant does not deserve the concession of pre-arrest bail.

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

6. It is a well-settled principle of law that where reasonable grounds exist to believe that the case calls for further inquiry as to the guilt or innocence of an accused, the concession of bail may be extended. In the present case, such a situation is clearly attracted. Admittedly, the name of the applicant does not appear in the FIR and he has been subsequently introduced through the statements of PWs Ghulam Rasool and injured Wakeel Ahmed recorded under Section 161 Cr.P.C., wherein his role is confined to alleged instigation of the co-accused. Such attribution of instigation, particularly in the absence of the applicant from the place of occurrence as per the FIR, prima facie requires deeper judicial inquiry at trial. Moreover, the case has already been challaned on 28.07.2026, and the applicant is no longer required for further investigation. In these circumstances, the case of the applicant squarely falls within the

ambit of Section 497(2) Cr.P.C., entitling him to the concession of pre-arrest bail.

7. In view of the foregoing discussion, the instant bail application is allowed and the interim pre-arrest bail earlier granted to the applicant vide order dated 15.06.2026 is hereby confirmed on the same terms and conditions.

JUDGE

JUDGE

*Qazi Tahir PA**