

THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Bail No.D-123 of 2026

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

Applicant: Mairaj son of Qurban Mahar
through Mr. Muhammad Ali Memon, Advocate.

Respondent: The State
Through Mr. Nazir Ahmed Bangwar, Deputy
Prosecutor General, Sindh.

Date of hearing: 05.08.2026

Date of Order: 05.08.2026

ORDER

RIAZAT ALI SAHAR, J.- Through instant Criminal Bail Application, applicant/accused Mairaj Mahar seeks post arrest bail in Crime No. 77/2023, offence under Section 302, 324, 353, 148, 149 P.P.C and 6/7 ATA of the Police Station Garhi Yasin. Prior to this, he filed such application, but the same was dismissed by the learned Special Judge, Anti-Terrorism Court, Shikarpur vide order dated 02.10.2024; hence he filed instant Criminal Bail Application.

2. The prosecution case, in brief, is that on the day of the incident, complainant/ASI Ameer Bux Jakhrani, accompanied by subordinate police officials, namely PC Dad Mohammad, PC Lakhmir, PC Amjad Ali and PC Kamran Ali, left the police station in the official vehicle vide Departure Entry No.23 at 0500 hours for routine patrolling. During the course of patrol, upon reaching near Amroti Petrol Pump, the complainant allegedly received spy information that accused Nabi Dad Mahar and his accomplices, armed with deadly weapons, were proceeding towards the Dakhan Naka hotels with the intention of committing the murder of people of the Marfani community. On such information, the police party proceeded towards the pointed

place and, on reaching near Eid Gah, heard the sound of gunfire emanating from the direction of Dakhan Naka. At about 0550 hours, when they reached near the passenger waiting area, they allegedly observed seven persons riding three motorcycles while resorting to indiscriminate firing. The complainant identified them as: (i) Nabi Dad, armed with a Kalashnikov (KK); (ii) Imdad, armed with a gun, both sons of Moharam; (iii) Fida alias Qadir Dad; (iv) Saddam Hussain; (v) Jahangir; and (vi) Karim Dad, all four sons of Nabi Dad, each allegedly armed with Kalashnikovs, all by caste Mahar, along with one unidentified person armed with a TT pistol. According to the complainant, they intercepted the accused and directed them to surrender. It is alleged that accused Fida alias Qadir Dad proclaimed that they had killed and injured their rivals belonging to the Marfani community and had also caused injuries to a person of the Brohi community. Thereafter, when the police attempted to apprehend them, accused Fida alias Qadir Dad, Karim Dad and Nabi Dad allegedly opened fire with their respective Kalashnikovs upon PC Dad Mohammad with the intention to kill, caused firearm injuries to him. Accused Saddam Hussain allegedly fired upon PC Lakhmir with a Kalashnikov, causing him firearm injuries as well. The police party allegedly returned fire, whereupon the accused succeeded in fleeing the scene while resorting to aerial firing. It is further alleged that, after the exchange of fire, PC Dad Mohammad was found to have sustained multiple firearm injuries and succumbed to the same, thereby embracing martyrdom, whereas PC Lakhmir was found lying injured with firearm wounds. The complainant/ASI also allegedly sustained injuries during the encounter. Thereafter, the dead body of the deceased police official was shifted to RHC Garhi Yasin for post-mortem examination, while the injured officials were provided initial medical treatment. Subsequently, injured PC Lakhmir was referred to CMC Hospital, Larkana, for further treatment. Upon completion of the necessary medico-legal formalities, the

complainant returned to the police station and lodged the present F.I.R. on behalf of the State against the above-named accused.

3. Learned counsel submits that the applicant is innocent and he has been falsely implicated in this case by police; that the applicant was not nominated in the F.I.R; however, after the delay of almost two months on further statement was named in the F.I.R.; that in the said further statement also no specific role has been attributed to the applicant/accused, but only role of aerial firing; that the police did not associate any private witness and all the witnesses are police officials. Lastly, learned counsel prayed for grant of bail to the applicant/accused.

4. Learned Deputy Prosecutor General has opposed the grant of bail on the ground that there is sufficient material available on record to connect the applicant/accused with the commission of offence.

5. Heard arguments of the learned counsel for the applicant as well as learned D.P.G. and have perused the material available on record with their able assistance.

6. Admittedly, name of the applicant accused does not transpire in the F.I.R. and the applicant has been roped on the basis of further statement of the complainant recorded under section 161 read with 162 Cr.P.C. after two months of lodgment of the F.I.R. and was arrested on 17.10.2023 and according to such statement no specific role has been attributed to the applicant except aerial firing at the place of incident. Further to a prudent mind, it is hard to believe that the accused after killing their rival came in front of the police and told the whole story how they killed some one. However, it is for the trial Court to see as to whether the applicant has committed the offence or not after recording pro and contra evidence of the parties and at bail stage only tentative assessment is to be made.

7. Record further reflects that the case has been challaned and the applicant is behind the bar for more than three years without any progress in the trial. In these circumstances, the applicant/accused has made out case for grant of bail under sub-section (2) of section 497 Cr.P.C. Accordingly, the bail application is allowed and the applicant/accused is admitted to bail subject to his furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Hundred Thousands only) and P.R. Bond in the like amount to the satisfaction of the learned Trial Court.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of either party at trial.

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Manzoor