

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Bail Application No.S-167 of 2026

[Ameer Bux Bugti vs. The State]

Applicant : Ameer Bux Bugti, *through*
M/s Allah Warayo Soomro and
Zahid Hussain Soomro, Advocates.

The State : *through* Syed Sardar Ali Shah Rizvi,
Additional Prosecutor General.

Complainant : Meenhal Khan Thebo, *through*,
Mr. Atta Hussain Chandio,
Advocate.

Date of Hearing : 20.04.2026
Date of order : 20.04.2026

ORDER

Ali Haider 'Ada' J.- Through this post-arrest bail application, the applicant seeks the concession of bail in Crime No.146 of 2024 registered at Police Station Kotdiji, for offences punishable under Sections 302, 324, 337-H(2) and 34, P.P.C. The F.I.R. was registered on 21.09.2024, whereas the date of the incident is shown as 16.09.2024. Before this, the applicant had approached the learned trial Court for the grant of bail, which was declined vide order dated 17.02.2026.

2. The crux of the prosecution's case is that the present applicant, namely Ameer Bux, along with co-accused Muhammad Shareef, armed with a repeater, allegedly caused firearm injuries to Shah Dino (brother of the complainant), who subsequently succumbed to the injuries. After registration of the F.I.R., a usual investigation was carried out, and a challan has been submitted before the competent Court.

3. Learned counsel for the applicant contends that there is an unexplained delay in the registration of the F.I.R., which creates doubt in the prosecution's story. He further submits that there are

contradictions between the post-mortem report and other medical documents. It is also argued that prior to the present case, F.I.R. No.144 of 2024 was lodged by Mst. Gul Khatoon is against the complainant party, which constitutes a cross-version, thus making the present case one of further inquiry. In support of his contentions, learned counsel has placed reliance upon 2022 SCMR 457, 2019 MLD 272, 2002 P.CR.LJ 791, 2023 SCMR 857, 2014 MLD 410, 2025 SCMR 2059, and 2009 SLJ 792.

4. On the other hand, learned counsel for the complainant opposed the grant of bail and submits that the applicant has been nominated in the F.I.R. with a specific role of causing firearm injuries. He further submits that the bail application of the complainant side in the Crime No.144 of 2024 has already been dismissed by this Court. It is also contended that the present applicant remained an absconder and was arrested on 19.01.2026, and that the ocular as well as circumstantial evidence fully supports the prosecution's case. According to him, there is no material contradiction in the medical evidence; therefore, the applicant is not entitled to the concession of bail.

5. Conversely, the learned Additional Prosecutor General also opposed the bail application and submitted that the applicant has been assigned a direct and active role in the commission of the offence, as the deceased sustained multiple firearm injuries allegedly caused by the applicant. He further submits that the case of the applicant does not fall within the ambit of further inquiry. He has also argued that the plea of cross-version is not applicable in the present case, as the time, place of occurrence, and even the identity of the deceased differ in both cases; hence, both cases are independent occurrences. He, therefore, prayed for dismissal of the bail application.

6. Heard the learned counsel for the parties and perused the material available on record.

7. It is a settled principle of law that each case is to be decided on its own facts and circumstances. A tentative assessment of the material on record reflects that the applicant has been specifically nominated in the F.I.R. with a direct and active role in causing firearm injuries to the deceased. The offence falls within the prohibitory clause, requiring reasonable grounds to believe the applicant's guilt. Reliance is placed upon *Sher Muhammad v. The State* (2008 SCMR 1451) and *Shoukat Ilahi v. Javed Iqbal, etc.* (2010 SCMR 966).

8. Furthermore, the applicant has failed to show that the learned trial Court exercised its discretion arbitrarily or capriciously while dismissing the earlier bail application. It is well-settled that, in the absence of any such illegality or arbitrariness, no interference is warranted. Guidance is drawn from *Muhammad Faiz alias Bhoora v. The State* (2015 SCMR 655).

9. As regards the plea of cross-version, it is observed that F.I.R. No.144 of 2024, its veracity and evidentiary value, as the time, place of occurrence, and even the identity of the deceased differ in both cases are matters which require deeper appreciation and can only be determined at trial. Even the Hon'ble Supreme Court of Pakistan, in *Yar Muhammad Khan v. The State* (2024 SCMR 1738), has held that the mere existence of a counter-version is not sufficient to grant post-arrest bail. Similarly, in *Ahmed Ali v. The State* (PLD 2024 SC 969), it has been held that grant of bail in cross-cases depends upon the peculiar facts and circumstances of each case. Furthermore, in *Rashid Ramzan v. The State* (2022 SCMR 2111), it has been observed that where the accused is neither attributed a specific role in the cross-version nor claims the right of private defence, no benefit can be extended.

10. Upon tentative assessment, the case of the applicant does not fall within the ambit of "further inquiry" as contemplated under Section 497(2), Cr.P.C. The Hon'ble Supreme Court of Pakistan, in a

catena of judgments including *Bakhti Rehman v. The State* (2023 SCMR 1068), *Muhammad Atif v. The State* (2024 SCMR 1071), *Itbar Muhammad v. The State* (2024 SCMR 1576), *Allah Dewayo Shahani v. The State* (2023 SCMR 1724), *Rashid Ramzan v. The State* (2022 SCMR 2111), and *Abu Bakar Siddiqui v. The State* (2021 SCMR 05), has consistently held that where reasonable grounds exist connecting an accused with the commission of a heinous offence, the concession of bail is not to be extended.

11. For the foregoing reasons, the applicant has failed to make out a case for grant of post-arrest bail. Consequently, the instant bail application is hereby dismissed.

JUDGE