

ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No.S-260 of 2026.
(Mataro Khan alias Mataro vs The State)

Date	Order with signature(s) of Judge(s)
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04.05.2026.

Mr. Muhammad Hamza Burriri, Advocate for the Applicant.
Mr. Muhammad Raza Katohar Deputy Prosecutor General.

Ali Haider 'Ada' J:- Through this post-arrest bail application, the applicant seeks his release in FIR No. 46 of 2024, registered at Police Station Bhirya Road, for offences punishable under Sections 302, 324, 114, 148, 149, 404, and 337-H(ii), PPC. Prior to this, the applicant approached the learned trial Court; however, his bail application was declined.

2. The brief facts of the prosecution case are that certain accused persons allegedly resorted to indiscriminate firing upon two individuals, namely Jalal Khan and Sarfaraz, as a result whereof Jalal Khan succumbed to injuries, while Sarfaraz sustained injuries. The role attributed to the present applicant, as per the FIR, is that he, in collusion with a co-accused, took away the motorcycle of the deceased and fled from the scene. The alleged incident took place on 03.06.2024, whereas the FIR was lodged on 04.06.2024.

3. Learned counsel for the applicant contended that no specific or active role has been assigned to the applicant with regard to the commission of the murder or causing injuries to the injured witness. It is argued that the only allegation against the applicant pertains to taking away the motorcycle, which, at best, attracts the provisions of Section 404 PPC, as also determined by the police. It is further contended that the said offence falls outside the prohibitory clause and calls for further inquiry; therefore, the applicant is entitled to the concession of bail.

4. It has also come on record that the complainant himself has been reported as absconding in Crime No. 127 of 2024, as per the endorsement of the process server.

5. Conversely, learned law officer opposed the grant of bail on the ground that one person lost his life while another sustained injuries in the occurrence, and the applicant's presence, coupled with his act of taking away the motorcycle, forms part of the chain of events, thus disentitling him from the concession of bail.

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

7. The record reflects that although the applicant is nominated in the FIR, no specific allegation has been attributed to him regarding his participation in the commission of murder or in causing injuries to the deceased or the injured witness. The allegations against him are confined to his presence at the scene and taking away the motorcycle along with a co-accused. The applicability of Section 404 PPC, as determined by the police, is a matter to be adjudicated at trial, and thus, the case of the applicant falls within the ambit of further inquiry. In this regard, reliance is placed upon the case of ***Sher Khan v. The State (2025 SCMR 2059)***.

8. It is a settled principle of law that "bail is the rule and refusal is an exception," particularly where the case calls for further inquiry. Reference in this respect may be made to ***Muhammad Tanveer v. The State (PLD 2017 SC 733)***.

9. In view of the above facts and circumstances, the applicant has made out a case for the grant of bail. Consequently, this post-arrest bail application is allowed. The applicant is admitted to bail subject to furnishing solvent surety in the sum of Rs. 100,000/- (Rupees One Hundred Thousand only) to the satisfaction of the learned trial Court.

JUDGE