

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

Criminal Bail Application No.S-247 of 2026.
(Muhammad Eidal Khokhar vs The State)

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

Mr. Ahmed Mehran Goraya, Advocate for the Applicant.
Mr. Najam Nek Markhand, Advocate for Complainant.
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. 128 of 2025, registered at Police Station Sobhodero, for offences punishable under Sections 302, 324, 147, 149, 114, 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 individual, namely Imam Bux, as a result whereof he succumbed to injuries. The role attributed to the present applicant, as per the FIR, is that he instigated to other set of accused. The alleged incident took place on 01.12.2025 and reported on the same day.

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. It is argued that the only allegation of against him is that of instigation, who, at best, calls for further inquiry; therefore, the applicant is entitled to the concession of bail. He placed reliance upon the cases of 2020 SCMR 1814, 2017 SCMR 279, 2003 SCMR 958.

4. Conversely, the learned Law Officer, as well as learned counsel for the complainant, opposed the grant of bail on the ground that one person lost his life in the occurrence, wherein the applicant is attributed a role of instigation. It is contended that the applicant's

presence at the scene, coupled with his alleged conduct, forms an integral part of the prosecution case, thus disentitling him from the concession of bail. Learned counsel for the complainant has placed reliance upon the case reported as *2006 SCMR 966*.

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

6. 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 to the deceased. The allegations against him are confined to his presence at the scene with the role of instigation, 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 cases of ***Sher Khan v. The State (2025 SCMR 2059)***, ***GHULAM HYDER versus State 2021 SCMR 1802***, ***Kamran vs Kamran Malik and another 2020 SCMR 1814***, ***Qurban Ali vs The State and others 2017 SCMR 279*** and ***Tariq Zia vs The State 2003 SCMR 958***.

7. 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