

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 480 of 2026

Applicant: Allah Dino son of Jaro Khan Labano through Mr. Alam Sher Bozdar, Advocate.

Complainant: Through Mr. Ali Asghar Panhiyar, Advocate.

The State **Through** Mr. Shafi Muhammad Mahar, Deputy Prosecutor General, Sindh.

Date of hearing & Order: 01-10-2026.

ORDER.

Suresh Kumar, J ---Applicant named above seeks post arrest bail in a case bearing crime No. 291/2025, offence u/s 302, 114, 147, 148, 149 PPC registered at Police Station 'A' Section Ghotki.

2. The brief facts of the case are that on 24.09.2025, at 1700 hours, complainant Subhan Ali lodged an FIR alleging that on 20.09.2025, in the evening, his son Ihsan, brother-in-law Muhammad Murad, and uncle Muhammad Mithal were standing outside their house at 5:30 p.m. The accused Allahdino, armed with a lathi, Ali Jan with a pistol, Jameel with a Kalashnikov, Zubair Ahmad with a pistol, and Shah Jehan with a lathi, approached along with one unknown person. Upon their arrival, accused Allahdino instigated the other accused to murder the complainant's party. Subsequently, accused Jameel fired from the Kalashnikov at Ihsan Ali, while accused Zubair also fired from a pistol at him, and accused Ali Jan fired from a pistol, which struck Ihsan Ali. The accused then caused injuries with lathis, kicks, and fist blows before fleeing the scene. The injured were then taken to a medical facility after obtaining a letter, and subsequently, they went to the police station to lodge the FIR.

3. The applicant initially sought bail from the Court of the learned Additional Sessions Judge-II Ghotki, which was dismissed via order dated 19.05.2026. Aggrieved by this dismissal, the applicant has approached this Court.

4. I have heard the learned counsel appearing on behalf of the applicant/accused and the learned Deputy Prosecutor General for the State assisted by counsel or complainant. Learned DPG and counsel for

complainant strongly opposed for grant of post arrest bail. In this regard they have relied upon the cases of Ali Asghar vs. The State and others (2026 YLR 1012) and un-reported case of Ali Dino vs. The state (Cr. Bail Application No.S-542 of 2019).

5. Having given due consideration to the arguments of the learned counsel for the parties and having perused the relevant record, it is revealed from the perusal of the FIR that there is a delay of four days in lodging the FIR, which has not been plausibly explained by the complainant. Therefore, consultation and deliberation cannot be ruled out, especially considering that the father, along with three sons, has been implicated. The FIR further reveals that the applicant/accused has been assigned the role of instigation, and no injury has been caused to the deceased. In such circumstances, vicarious liability is yet to be determined at the time of trial; therefore, the case against the applicant falls within the ambit of further inquiry. In similar circumstances, the Honourable Supreme Court in the case of Kamran vs. Kamran Malik and another (2020 SCMR 1814) has held as follows:-

*---S. 497(2)---Penal Code (XLV of 1860), Ss. 302(b) & 109--
-Qatl-i-amd, abetment---Bail, grant of---Further inquiry---
Son instigating his father to commit murder---Act contrary
to tradition---Accused was statedly present with other
family members outside his home where the deceased
persons had come to lodge complaint for a previous
incident---According to the prosecution's own showing the
accused was not attributed any harm to the deceased
persons, and he allegedly instigated his father (the co-
accused) to murder the deceased persons---Question as to
whether, instead of taking the deadly initiative himself,
the accused preferred to persuade his father for the
misadventure, a role, contrary to the traditions, brought
the accusation within the ambit of S. 497(2), Cr.P.C., and,
would be best settled after recording of evidence---
Accused could not be kept behind bars merely as a
measure of punishment---Investigation being complete,
continuous detention of accused was not likely to serve
any useful purpose beneficial to the prosecution---Petition*

for leave to appeal was converted into appeal and allowed, and accused was released on bail.

6. A similar view has been taken in the case of *Qurban Ali vs. The State and others* (2017 SCMR 279). Further reliance is placed on the case of *Ali Ogahi vs. The State* (2019 P.Cr.L.J Note 19). Moreover, the applicant/accused has been in custody since 03.05.2026, and the trial has not yet concluded.

7. With due respect and regard to the case law cited by the learned counsel for the complainant, the facts and circumstances of the case laws cited by him are distinguishable; therefore, the same are not applicable in this case.

8. For the foregoing reasons, I am of the considered view that the applicant/accused has successfully made out a case for the grant of post-arrest bail. Therefore, he is granted bail subject to furnishing a solvent surety in the sum of Rs. 200,000/- (Two Lacs) and a PR bond in the like amount to the satisfaction of the trial court.

9. The bail application is disposed of in the above terms.

J U D G E