

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Criminal Bail Application No.S-761 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicants: Khuda Bux @ Himath S/O Ghulam Mustafa Shar
Through Mr. Ali Akbar Shar Advocate.

The State: Through Mr. Mansoor Ahmed Shaikh, D.PG.

Date of hearing & order: 30.09.2026.

Suresh Kumar J:- Through instant Criminal Bail Application applicant/accused Khuda Bux @ Himath seeks his post-arrest bail in Crime No.122/2026 for the Offences Punishable U/Ss 302,34 PPC registered at Police Station, Ranipur District Khairpur.

2. The facts of the prosecution, as depicted in the FIR, are that on 11.07.2026, the complainant lodged an FIR stating that his daughter, Mst. Razia @ Safia, was married to the accused, Khuda Bux @ Himath, who did not allow her to meet her parents. On 09.07.2026, the complainant, along with Muhammad Ayoub Shar and Ghous Bux, went to the accused and requested him to allow them to meet his daughter and to visit her parental home. As they proceeded and reached near the bridge of Peer at 9:20 AM, the applicant/accused, along with an unknown accomplice, arrived on a motorcycle. The applicant/accused then fired from his pistol, hitting Mst. Razia @ Safia on her body. She cried out, fell down, and subsequently expired. Upon hearing her cries, passersby were attracted, and the accused fled the scene. Thereafter, the complainant lodged the FIR at PS Ranipur.

3. The applicant initially applied for grant of post arrest bail, before the Court of learned Additional Sessions Gambat District Khairpur which was dismissed vide order dated 30.07.2026. The applicant/accused being aggrieved by this dismissal order, the applicant has approached this Court.

4. I have heard learned counsel for applicant, and learned D.P.G Sindh , so also complainant and legal heir of deceased Mst. Saforan, who raised no objections to the grant of bail to the applicant/accused..

5. Having given due consideration to the arguments advanced by the learned counsel for the applicant, the learned DPG, and having perused the relevant material available on record, it is evident from the perusal of the FIR that the applicant/accused, Khuda Bux @ Himath, is allegedly assigned the specific role of causing a firearm injury to the deceased, Mst. Razia @ Safia. The learned counsel for the applicant has primarily contended that both legal heirs of the deceased, namely Bahawal, the father of the deceased, and Mst. Saforan, the mother of the defendant, have raised no objection to the grant of bail to the applicant/accused on the grounds of compromise. Further perusal of the record reveals that the sections applied in the challan are compoundable. No useful purpose would be served if bail is refused, as the matter would likely be disposed of through compromise. In the similar circumstances this Court in the case of Ejaz Alam v. The State (2008 MLD 1051), has held as under:

“---S.497---Penal Code (XLV of 1860) Ss 302, –Bail grant of --- Counsel for accused had filed along with bail application an affidavit of the complainant according to which complained had amicably patched up with accused and had forgiven him; and that if accused was granted bail he would have no objection---State counsel did not oppose the bail application---Accused was granted bail, in circumstance.”

6. Similar view has been taken by this court in the case of Muhammad Sahrif v. The State (2005 P.Cr.L.J636). Moreover the witnesses namely Muhammad Ayub and Ghous Bux have also filed affidavit in which they have exonerated the present applicant/accused from the commission of offence, therefore, the case of applicant/accused falls within the ambit of further inquiry.

7. For the foregoing reasons and the guidance taken from the above case law, I am of the considered view that the applicant/accused has made out a case for the grant of post-arrest bail. Consequently, the applicant/accused, , is admitted to 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.

J U D G E

Hizbullah