

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Bail No.S-386 of 2026

Applicant: Raja Muhammad Ali son of Raja Muhammad Faryad through M/s. Omer Soomro and Saqib Hussain Soomro, Advocates.

The State: Through Mr. Sardar Ali Solangi, Deputy Prosecutor General, Sindh.

Date of hearing: 24.08.2026

Date of Order: 24.08.2026

ORDER

ZULFIQUAR ALI SANGI, J.- Through the instant Criminal Bail Application, the applicant/accused, Raja Muhammad Ali, seeks the extraordinary concession of pre-arrest bail in Crime No.41 of 2025, registered at Police Station Garello, District Larkana, for offences punishable under Sections 324, 506(2), 114, 148 and 149, P.P.C. It is pertinent to note that the applicant had earlier approached the learned trial Court for the same relief; however, his application was dismissed by the learned Additional Sessions Judge-VII, Larkana, vide order dated 11.07.2026, hence the present application.

2. The facts constituting the prosecution case have already been narrated in the bail application, while a copy of the F.I.R. is also available on record. Therefore, for the sake of brevity and to avoid unnecessary repetition, the same are not reproduced herein.

3. Learned counsel for the applicant has contended that the applicant is innocent and has been falsely implicated in the present case owing to mala fide intentions and ulterior motives on the part of the complainant. He submits that there is an unexplained delay of about two days in the registration of the F.I.R., for which no satisfactory or plausible explanation has been furnished by the complainant. It is further argued that the applicant has never visited Larkana, has no acquaintance either with the complainant or with the other persons nominated in the F.I.R., and has no previous criminal history. Learned counsel has also pointed out that the complainant himself is stated to be an absconder in certain criminal

proceedings. According to learned counsel, the prosecution case contains material contradictions and the role attributed to the applicant requires further inquiry. He, therefore, prays that the interim pre-arrest bail already granted to the applicant be confirmed.

4. Conversely, learned D.P.G. has vehemently opposed the grant of bail, contending that the applicant has been specifically nominated in the F.I.R. and a definite role has been assigned to him in the commission of the alleged offence. According to learned D.P.G., the material collected by the prosecution provides sufficient grounds for believing the applicant's involvement in the occurrence and, therefore, he does not deserve the extraordinary concession of pre-arrest bail.

5. I have heard learned counsel for the parties and have carefully examined the material available on record. At the outset, it is an admitted position that there is a delay of approximately two days in the registration of the F.I.R. and, prima facie, no convincing explanation for such delay is discernible from the prosecution material. Although delay in lodging an F.I.R., by itself, is not invariably fatal to the prosecution case, an unexplained delay assumes significance where the prosecution version otherwise suffers from material inconsistencies and requires deeper scrutiny.

6. A careful reading of the F.I.R. further reveals an apparent inconsistency with regard to the role attributed to the present applicant. In one portion of the F.I.R., the applicant Raja Muhammad Ali and co-accused Muhammad Ali Poraccho are stated to have been empty-handed. However, in another portion, a specific allegation has been introduced that the present applicant fired a pistol shot at the father of the complainant, causing an injury to his right thigh. The juxtaposition of these two assertions, at this stage, creates a reasonable doubt as to the precise role of the applicant and calls for further inquiry. The prosecution is required to explain, at the appropriate stage, the apparent discrepancy between the initial description of the applicant and the subsequent allegation attributing a firearm injury to him.

7. It is also significant that the injury allegedly attributed to the applicant, as reflected from the prosecution case, was caused on the right thigh, which is a non-vital part of the body. While the nature and situs of the injury cannot, by themselves, determine the guilt or innocence of an accused, the same may be taken into consideration, along with other attending circumstances, while determining whether the case presently falls within the ambit of further inquiry.

8. Another circumstance which cannot be completely disregarded at this stage is the assertion that the complainant is himself an absconder in certain criminal proceedings. This circumstance, however, is not being treated as determinative of the present case; rather, it is relevant only to the extent that the overall circumstances, including the credibility and conduct of the parties, require proper appraisal during the course of trial. The prosecution case, therefore, cannot be conclusively accepted or rejected at the bail stage.

9. More importantly, the apparent contradictions in the F.I.R. regarding the applicant being initially shown as empty-handed and thereafter being assigned the role of making a firearm shot, coupled with the unexplained delay in registration of the F.I.R. and the precise nature of the injury attributed to him, render the question of his exact participation a matter requiring further probe. Such matters involve appreciation of evidence, determination of credibility of witnesses, and reconciliation of the medical and ocular accounts, which exercise is appropriately to be undertaken by the learned Trial Court after the parties have produced their respective evidence.

10. It is settled principle that at the stage of bail, the Court is not required to conduct a deeper appreciation of evidence or undertake a tentative trial. The Court is only required to determine whether reasonable grounds exist for believing that the accused is connected with the commission of the offence or whether the case, in the circumstances available on record, calls for further inquiry. Where the material available on record gives rise to reasonable doubt regarding the precise role and involvement of the accused, the benefit of such doubt at the bail stage is to be extended in accordance with law.

11. In the present case, without expressing any final opinion on the merits of the prosecution case, the cumulative effect of the unexplained delay in lodging the F.I.R., the material discrepancy regarding the applicant's alleged possession of a weapon and the role subsequently attributed to him, the nature and situs of the injury, and the necessity of deeper appreciation of the ocular and medical evidence, brings the case of the applicant within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C. Consequently, the applicant has succeeded in making out a case for confirmation of the pre-arrest bail already granted in his favour.

12. Accordingly, the instant Criminal Bail Application is allowed. The interim pre-arrest bail granted to the applicant/accused Raja Muhammad Ali vide order dated 07.08.2026 is hereby confirmed on the same terms and conditions. The applicant shall continue to appear before the learned Trial Court on each and every date of hearing and shall not misuse the concession of bail in any manner. In case of violation of the terms and conditions of bail, the prosecution shall be at liberty to seek its cancellation in accordance with law.

13. Needless to observe that the findings and observations recorded herein are purely tentative and have been made solely for the purpose of deciding the present bail application. The same shall not prejudice either party nor influence the learned Trial Court in any manner while deciding the case on its merits after recording and appreciating the evidence in accordance with law.

Application stands disposed of accordingly.

JUDGE