

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 693 of 2026

Applicant: Fareed son of Rustam bycaste Gabol through Mr. Muhammad Tarquie Panhwar Advocate.

Complainant: Through Mr. Ghulam Yaseen Bozdar, Advocate

The State **Through** Mr. Mansoor Ahmed Shaikh, Deputy Prosecutor General, Sindh.

Date of hearing & Order: 14-09-2026.

ORDER.

Suresh Kumar, J ---Applicant named above seeks post arrest bail in a case bearing crime No. 29/2025, offence u/s 302, 324, 337-H(2), 114, 147, 148, 149 PPC registered at Police Station Dad Leghari, District Ghotki.

2. The brief facts of the case are that on 22.05.2025 at 6:00 p.m., the applicant, along with co-accused individuals, arrived at the scene of the offence. Co-accused Fida, Shahnawaz, and Shabir caused firearm injuries to the deceased engineer, who was the son of the complainant, whereas the applicant/accused was assigned the role of instigation and aerial firing. During the investigation, the applicant was arrested, but no incriminating material was recovered from his possession.

3. The applicant initially sought post-arrest bail from the Court of the learned Additional Sessions Judge, Daharki, which was dismissed via order dated 10.12.2025. 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 the counsel for the complainant, who opposed the grant of post-arrest bail. They have relied upon the case laws cited as 2023 SCMR 1724, 2023 SCMR 1182, 2020 SCMR 1486, 2012 P.Cr.L.J 345, 2021 YLR 338, 2014 MLD 1471, 2017 YLR 317, and 2012 P.Cr.L.J. page 1749.

5. Having given due consideration to the arguments advanced by the counsel for the parties and having perused the material available on record, it is revealed from the perusal of the FIR that the

applicant/accused has allegedly been assigned the role of instigation and aerial firing. The record further reveals that the weapon was not recovered from the possession of the accused during the investigation. The record also indicates that specific firearm injuries are attributed to co-accused Fida, Shanawaz, and Shabbir. The FIR further reveals that there is a delay of seven days in lodging the FIR, and in the background of murderous enmity, it cannot be ruled out that the FIR has been lodged after due deliberation and consultation. Since no injury is attributed to the present applicant/accused and no incriminating material has been recovered from his possession, therefore, the case against the applicant/accused falls within the ambit of further inquiry as embedded in Section 497(2) Cr.P.C. The Hon'ble Supreme Court, in the case of Haroon vs. State (1994 SCMR page 2161), granted bail to the accused person whose role was limited to LALKARA without causing any injury to the deceased. A similar view was taken by this Court in the case of Ganhwar Bhutto v. State (2011 MLD 210).

6. The accused has been behind bars since his arrest. No purpose would be served if the accused is kept in jail for an indefinite period. Moreover, co-accused Sadique has already been granted bail by this Court.

7. With due respect and regard to the case laws cited by the counsel for the complainant, the facts and circumstances of the said case laws are quite distinguishable; therefore, they are not applicable in the present matter.

8. For the foregoing reasons and the guidance taken from the above-referred case laws, 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 lac) and a PR bond in the like amount to the satisfaction of the trial court. Needless to say, the above observations are tentative in nature and do not prejudice the case of either party at the trial.

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

JUDGE