

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl. Bail Application No.S-563 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicants: 1. Touqeer Ahmed S/O Ghulam Akbar
2. Deedar S/O Muharram both by caste Khoso.
Through Mr.Mujeeb-ur-Rehman Malano Advocate.

Complainant: Shahid Hussain Ghanghro,
Through Mr.Nasrulalh Sahito Advocate

The State: Through Mr.Shafi Muhammad Mahar D.P.G.

Date of hearing & order: 15.09.2026.

Suresh Kumar J:- Through instant bail application the applicants/accused namely Touqeer Ahmed and Deedar both by caste Khoso, seek their post arrest bail in Crime No.70 of 2026 for the offences punishable U/Ss 324, 334, 337-F(iv),148,149,PPC registered at Police Station Kandiaro District Naushahro Feroze.

2. Concisely, the facts of the prosecution case as depicted in the FIR are that complainant Shahid Hussain Ghanghro lodged FIR on 07.03.2026 at PS Kandiaro alleging therein that over previous dispute of applicant Deedar Khoso with his brother Fida Hussian Ghanghro, on 05.03.2026 at evening time, complainant along with his brother Fida Hussain, his cousins Abdul Qadeer and Muhammad Zubair came at the shop of Waqar Ahmed Gopang at about 7:25 PM, where applicants Touqeer, Deedar along with other co-accused and two unknown culprits came, where they all fired from their Pistols upon Fida Hussain, which hit him on his left leg and body who went

unconscious then all the accused made their escape good from the spot. Thereafter injured was shifted to Taluka Hospital Kandiaro and then he was referred to PMCH Nawab-Shah and Trauma Centre, Karachi and the left leg of injured was cut down from his knee.

3. The applicants initially filed post arrest bail before trial Court / 2nd. Additional Session Judge Naushahro Feroze, which was dismissed vide order dated 04.06.2026. Being aggrieved by this dismissal order, the applicants have approached this Court.

4. I have heard learned counsel for applicant, learned counsel for complainant, learned D.P.G. Learned DPG and learned counsel for complainant have strongly opposed the grant of bail.

5. Having given due consideration to the arguments advanced by the counsel for parties and has perused the material. From the perusal of FIR, it reveals that the alleged incident took place on 05.03.2026 at 07:25 PM and the FIR was registered on 07.03.2026 at 8.00 PM after the delay of 02 days which has not been plausibly explained by the complainant, hence the consultation and due deliberation cannot be ruled-out. Learned counsel appearing on behalf of applicants has relied upon the entry No.27 dated 05.03.2026 in which one Waqar S/O Mumtaz Gopang informed through mobile that unknown culprits have caused fire arm injuries to Fida Hussain and they have brought injured to hospital but FIR which was registered after two days of the alleged incident shows the names of applicants/accused with their specific role. Admittedly entry No.27 reveals that applicants/accused were not nominated on the day of alleged incident but they were implicated in the FIR after two days with

specific role, therefore the case against applicants falls within the ambit of further enquiry. In similar circumstances this Court in the case of Nooruddin v. The state (2005 MLD 126) has held as under:

---S.497---Offences Against Property(Enforcement of Hudood) Ordinance (VI of 1979) Ss17(2)/17(4)---Bail, grant of---Complainant, after the occurrence went to the police station along with both the injured persons, informed the police about the incident requested for a letter for taking the injured persons to the Hospital and stated that he would come later on and lodge the report---Such entry was made in the station diary---Police, therefore, started the investigation by issuing letter to the Medical Officer for examination of the injured witnesses---FIR in the case, thus, would be the said station diary under which the complainant had narrated some details of the incident to the Police---Names of the accused were not mentioned in the station diary---complainant after getting the injured persons admitted in hospital should have gone to the police station for giving full details of the incident which could have been termed as his further statement, but he did not do so and kept silent for two days and he then went to the police station against accused and gave the details of the incident which were incorporated in S.154 Cr.P.C Book---Delay of these two days was not explained by the complainant---Police also did not explain the delay in recording the statements of the said two injured witnesses which had adversely affected the prosecution story.”

6. Moreover, the medical certificate of injured Fida Hussian reveals that injured arrived at Hospital on 04.03.2026 at 7.45 PM, one day prior to alleged incident, i.e. 05.03.2026. The accumulative effect of all these facts and circumstances create doubt regarding the truthfulness of prosecution version. It is well settled law that benefit of doubt can be extended to accused even at bail stage. In this regard reliance is placed upon case of Faisal v. The State (2020 SCMR 971) and Dildar Ahmed v. The State (2022 PLJ Supreme Court 19).

7. For what has been discussed above, I am of the considered view that case of applicants is of further enquiry falling within the ambit of Section 497(2) Cr.P.C, therefore, applicants/accused are granted bail subject furnishing solvent surety in the sum of Rs.100,000/- (one lac)

each and PR bond in the like amount to the satisfaction of learned trial Court.

8. Needless to say that the above observations are tentative in nature and will not prejudice the case of either party at the time of trial.

J U D G E

Hizbullah

