HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Criminal Bail Application No.S-568 of 2025

Applicant:	Laique through Mr. Ashique Hussain D.Solangi, Advocate.
Respondent:	The State through Mr. Shawak Rathore, Deputy Prosecutor General, Sindh.
Complainant:	Allahdad through Mr. Ghulamullah Chang, Advocate.
Date of hearing:	06.11.2026.
Date of order:	06.11.2026.

O R D E R

MUHAMMAD HUMAYON KHAN, J. - Through the instant application, Laique son of Muhammad Usman Solangi seeks post-arrest bail in Crime No. 92/2024 of Police Station Sehwan, District Jamshoro, registered for offences punishable under sections 302, 324, 147, 148, 149, 504, 337-A (i), 337-F (i), P.P.C. His previous application for bail was dismissed by the learned Additional Sessions Judge, Sehwan, on 07.05.2025.

2. Briefly, the prosecution alleges that on 10.07.2024 at about 12:30 p.m., following a dispute over passage through a street, the accused party arrived armed with pistols, iron rods and lathis. Liaquat allegedly fired at Mehar, the complainant's father, causing the injury from which he died. The present applicant allegedly fired at Mian Bux, hitting his legs, whereas Javed allegedly injured Waqar by firing below his knee. Separate roles of causing rod and lathi injuries to other persons were assigned to the remaining accused. The FIR was registered at 2:00 a.m. on 11.07.2024.

3. Learned counsel for the applicant contends that no injury to the deceased is attributed to Laique; his alleged shot struck Mian Bux on the legs, making section 324 PPC debatable. He submits that joint liability requires further inquiry, invokes the co-accused's bail orders, and urges that investigation is complete and further detention serves no useful purpose.

4. Conversely, learned D.P.G., assisted by learned counsel for the complainant, opposes bail, submitting that the applicant is nominated with a specific role of effective firing, supported by the injured witnesses

and medical evidence. They invoke section 149 PPC, distinguish the bailed rod/lathi assailants, and maintain that the applicant's case falls within the prohibitory clause of section 497 Cr.P.C.

5. Heard and perused the record.

6. The record has been examined tentatively. Nomination, effective firing and medical corroboration weigh against relief; nevertheless, section 497 (2) Cr.P.C. requires an individual assessment of whether reasonable grounds support the prohibitory offences. The applicant's particular role and the disputed ingredients of those offences call for further inquiry. The prosecution itself separates the shot causing Mehar Bhanbhro's death from the act attributed to this applicant. No shot at the deceased is assigned to Laique. The postmortem records death from massive blood loss and haemorrhagic shock due to firearm injury; it does not connect the injuries of Mian Bux with that death. The distinction is therefore founded upon the prosecution's own allocation of acts and victims, rather than a defence version requiring acceptance. The applicant's direct liability must first be assessed with reference to the injuries allegedly caused to Mian Bux, and his liability for the death must additionally satisfy the requirements of section 149 PPC.

7. As to section 324 PPC, the allegation as per record attributes a shot to the applicant hitting the legs; it does not describe repeated firing by him or an attempt to direct a further shot at a vital region. The provisional certificate of Mian Bux records firearm wounds involving the lower limbs. Location alone does not exclude murderous intent, nor does survival settle the issue. However, the confined location of the attributed injuries, the absence of an allegation of repeated firing by this applicant and the separate attribution of the fatal shot, considered together, render the requisite intention or knowledge a question requiring evidence. In AKHTAR ULLAH alias AKHTAR ALI v. The STATE (2021 SCMR 1287), the Supreme Court, considering a non-vital injury together with other evidentiary deficiencies, treated the applicability of section 324 PPC as requiring further inquiry. That decision supports a cumulative assessment; it is not applied here as an automatic rule based merely on injury location.

8. Section 149 PPC is not inoperative at the bail stage. Yet participation in an armed occurrence and proof of the common object necessary to fasten liability for its fatal consequence are distinct matters.

Here, the narrated sequence begins with a street dispute and exchange of words, and assigns separate attacks upon different victims. It attributes no exhortation by this applicant to kill Mehar or further act by him directed against Mehar. His alleged effective firing is relevant and serious, but, in the stated setting, whether the killing was in prosecution of a shared common object, or was an offence he knew likely to be committed, requires further inquiry. This is a tentative doubt arising from the particular allocation and sequence of acts, not a general postponement of section 149 PPC until trial.

9. In MUHAMMAD AMEEN v. The STATE and another (2022 SCMR 1444), the Supreme Court considered the distinction between the applicant's injury and the fatal firearm injury, together with contradictory medical evidence, in holding joint liability to require further inquiry. Similarly, SAEED YOUSAF v. The STATE and another (2021 SCMR 1295) concerned firing attributed to an accused against injured witnesses, while the fatal firing was assigned to others; deficiencies in the medical evidence and absence of weapon recovery were material to relief. Those additional features are not presumed here. The authorities are relevant to the need to assess the individual role and evidentiary basis of joint liability, rather than equating every participant with the author of the fatal injury.

10. The applicant cannot claim an identical role to Barkat and Waseem, whose bail was granted by this Court on 28.11.2024, or Mor and Waheed, admitted to bail on 21.02.2025: their alleged acts involved rods and lathis. The earlier order of this Court expressly distinguished the firearm roles. Equally, that distinction did not adjudicate this applicant's independent entitlement under section 497 (2) Cr.P.C. His position is materially different from Liaquat's because no fatal injury is attributed to him. His claim is thus not that his firearm role is less serious than the roles of the bailed rod/lathi assailants, but that his own non-fatal role, examined with the circumstances discussed above, leaves the prohibitory allegations open to further inquiry. Rejection of mechanical parity does not answer that separate question.

11. In view of the above, the applicant has succeeded to bring his case within section 497 (2) Cr.P.C. Investigation is stated to be complete and the challan submitted. Continued detention cannot substitute for determination of the disputed ingredients through evidence. Consequently, this bail application is **allowed**. The applicant, Laique son

of Muhammad Usman Solangi, is admitted to post-arrest bail subject to furnishing a solvent surety in the sum of Rs.200,000/- (Rupees two hundred thousand only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court.

12. The observations are tentative and shall not influence the trial Court in deciding the case on merits.

JUDGE

Abdullah Channa/PS