

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Bail Application No. S-167 of 2025

(Ali Murad Vs. The State)

Date	Order with signature of Judge
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- 1. For Orders on office objection.
- 2. For hearing of bail application.

**ORDER.**  
05-05-2025.

Mr. Abdul Karim Lohrani Advocate for the applicant  
Mr. Zulfiqar Ali Panhwar, for the Complainant.  
Mr. Mansoor Ahmed Shaikh, Deputy P.G for the State.

**Ali Haider ‘Ada’,J;-**Through this bail application, the applicant seeks post-arrest bail in Crime No. 627 of 2024, registered at Police Station Moro, for offence punishable under Sections 302, 504, 109, 337-H(ii), 148, and 149 of PPC, read with Section 7 of the Anti-Terrorism Act, 1997. The FIR was lodged by the complainant, Ali Gohr. Prior to this Bail application, the applicant approached before learned Sessions Judge Naushahro Feroze for the same relief, as his bail application was dismissed by the learned Sessions Judge, Naushahro Feroze,vide order dated 22.02.2025.

2. As per the contents of the FIR, on 14-12-2024, the complainant along with his brother Mirzo Lanjar and others was returning from the Anti-Terrorism Court after attending a hearing. At about 01:00 PM, eleven accused persons, namely Muhammad alias Kaka, Ali Nawaz, Ali Sher, Atta Muhammad, Dilber, Ashiq, Kashif, Moharrum, Jan Muhammad and two unidentified persons, allegedly armed with pistols, intercepted them. It is stated that accused Muhammad alias Kaka remarked that their brother, namely Ali Murad (the present applicant), had already warned the complainant not to attend the hearing and since the warning was ignored, they would now face the consequences. Thereafter, accused Muhammad alias Kaka, Ali Nawaz, and Dilber opened fire on Mirzo Lanjar. Despite mercy appeals, accused Jan Muhammad and Kashif Chandio resorted to

aerial firing to create terror and harassment. As a result of the firing, Mirzo Lanjar succumbed to his injuries. After completing the funeral custom, the FIR was registered on 15-12-2024.

3. After registration of the FIR, the case was challan before the learned Anti-Terrorism Court, Naushahro Feroze. However, vide order dated 31-01-2025, the learned Anti-Terrorism Court returned the case to the Court of Sessions Judge, Naushahro Feroze, holding that the alleged offences did not fall within the ambit of the Anti-Terrorism Act, 1997 and thus were triable by the Sessions Court.

4. Learned counsel for the applicant submits that there is an unexplained delay of one day in the registration of the FIR. It is further argued that the applicant is not shown to be present at the scene of the offence, nor he alleged to have participated in the commission of the crime. His name has only surfaced on the basis of an alleged statement made by co-accused Muhammad alias Kaka, who purportedly stated that the applicant had previously warned the complainant not to attend the court hearing. Other than this indirect reference, no specific or overt act is attributed to the applicant in the FIR. The learned counsel submits that the investigation has been completed and the applicant is no longer required for further investigation. It is contended that the role assigned to the applicant, if any, is tentative in nature and falls within the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C, thus entitling him to the concession of post-arrest bail. In support of his contentions, learned counsel places reliance on the case of ***Attaullah v. The State through A.G. Khyber Pakhtunkhwa and another reported as 2020 SCMR 451.***

5. On the other hand, learned counsel for the complainant opposes the grant of bail and submits that the applicant is a hardened criminal with a history of involvement in multiple criminal cases. It is contended that two FIRs have already been registered against the present applicant, copies of which have been brought on record through supporting statements. The counsel further argues

that the role of applicant, though indirect, is significant and cannot be overlooked at this stage.

6. Conversely, the learned Deputy Prosecutor General opposes the bail application and submits that the alleged offence falls within the prohibitory clause of Section 497 Cr.P.C. It is contended that the applicant has been specifically named in the FIR and the incident is the result of ongoing enmity, due to which the deceased was murdered. The learned State Counsel further argues that the applicant is deeply involved in such enmities, thereby disentitling him from the concession of bail.

7. Heard arguments and perused the material available on record.

8. After perusal of the available record, it appears that a total of eleven accused persons are nominated for allegedly participating in the commission of the offence. However, the name of the present applicant does not surface as a direct participant in the occurrence. The only reference to the applicant in the FIR is that one of the co-accused, namely Muhammad alias Kaka, allegedly stated that the present applicant had earlier warned the complainant not to attend the court hearing. Beyond this hearsay remark, there is no specific allegation in the FIR suggesting that the applicant instigated or conspired to commit the murder, nor is there any assertion that he directed the co-accused to do so, if the complainant failed to comply. Thus, the applicant appears to have been implicated solely on the basis of a statement attributed to a co-accused, without any direct or corroborative evidence linking him to the commission of the offence. In support of the aboveplaced reliance on the case of ***Muhammad Nadeem vs. The State reported as 2023 SCMR 184***, wherein the Hon'ble Supreme Court granted bail in the absence of any specific allegation connecting the accused to the commission of offence.

9. The case of applicant is further fortified by the judgment of the Hon'ble Supreme Court in ***Attaullah vs. The State through A.G. Khyber Pakhtunkhwa reported as 2020 SCMR 451***, as referred to earlier. In that case, the Hon'ble Court observed that where none of the deceased persons was alleged to have been hit by any shot fired by the accused and no specific injury was attributed to him, the accused was granted post-arrest bail. In similar circumstances, where the present applicant has not been attributed any active role in the commission of the offence nor any specific act causing injury to the deceased, the principle laid down in *supra case laws* are fully applicable and supports the case of applicant for bail.

10. It is also significant to note that, as per the FIR itself, the complainant approached the Police Station on the very day of the incident and obtained a letter for post-mortem examination of the deceased. However, despite being present at the Police Station, the FIR was not lodged on the same day and was registered on the next day. This delay, particularly in a case involving a capital offence, raises serious concerns regarding the possibility of deliberation or afterthought in nominating the accused. At this stage, such a delay cannot be brushed aside and must be viewed with legal scrutiny. In this regard, reliance is placed on the case of ***Mazhar Ali v. The State reported as 2025 SCMR 1424***.

11. It is well-settled by the Superior Courts that the mere pendency of other criminal cases against an accused does not *ipso facto* disentitle him to the concession of bail. The existence of prior or ongoing cases does not automatically suggest that the accused is a hardened criminal or that he should be denied bail in the current case, unless and until a legal verdict links the accused to the commission of the offence and the accused is found guilty by any competent Court of law. In this regard, reliance is placed on the case of ***Qurban Ali v. The State reported as 2017 SCMR 279, Ayazullah v. The State reported as 2025 PCRLJ 517, and Khizar Hayat v. The State reported as 2021 MLD***

**1597**, where the Courts consistently held that pendency of previous criminal cases alone does not bar the grant of bail, particularly when the specific facts of the case do not warrant such a denial.

12. In view of the foregoing reasons, the applicant has successfully made out a case for the grant of post-arrest bail. Accordingly, the bail application of the applicant is hereby granted, subject to the furnishing of a solvent surety in the amount of Rs. 100,000/-(One Hundred Thousand Rupees only) and P.R Bond of like this nature to the satisfaction of the learned trial Court.

13. It is further observed that the findings made herein above are tentative in nature and should not be construed as influencing or prejudicing the trial of the applicant.

**JUDGE**

**Ihsan/PS.**