

IN THE HIGH COURT OF SINDH, CIRCUIT COURT
HYDERABAD

Present:

Mr. Justice Abdul Mubeen Lakho

Mr. Justice Zulfiqar Ali Sangi

Cr. Bail Application No.D-117 of 2026

Applicant : Through Mr. Inam Ali Malik, Advocate.

The State : Through Ms. Rameshan Oad, Deputy
Prosecutor General, Sindh a/w Ins.
Mazhar Soomro (Investigating Officer).

Date of hearing : 13-08-2026.

Date of Order : 13-08-2026.

O R D E R

ZULFIQAR ALI SANGI, J:- Through the instant application, the applicant/accused Muhammad Shakeel son of Muhammad Yousuf seeks the concession of post-arrest bail in Crime No.220 of 2025, registered at Police Station B-Section, Latifabad, Hyderabad, for offences punishable under Sections 322, 285, 286, 336, 336-B, 337-L(i), 337-H(i) and 34 PPC, read with Sections 6/7 of the Anti-Terrorism Act, 1997, after dismissal of his earlier post-arrest bail application by the learned Anti-Terrorism Court, Hyderabad, vide order dated 17.03.2026.

2. Briefly stated, the prosecution case, as unfolded from the contents of the FIR lodged by the SHO, Police Station B-Section, Latifabad, on behalf of the State, is that on 15.11.2025 at about 1603 hours, information was received regarding a powerful explosion at a fireworks manufacturing factory situated at Major Baqar Goth, Unit No.10, Latifabad, Hyderabad. On arrival at the place of occurrence, the police allegedly found the factory premises engulfed in fire and the building substantially destroyed as a result of the explosion. The unfortunate incident allegedly resulted in the death of seven persons, while six others sustained serious burn injuries, besides causing considerable damage to the adjoining properties. It is alleged by the prosecution that the applicant, along with his co-accused/partners, was involved in running an unauthorized and illegal fireworks manufacturing unit and had

stored explosive and highly inflammable material in an unsafe and hazardous manner, without obtaining the requisite licence, permission or safety clearance from the competent authorities. According to the prosecution, the negligent and unlawful handling and storage of such material ultimately resulted in the devastating explosion, causing loss of precious human lives and injuries to several persons. Hence, the present FIR was registered.

3. Learned counsel for the applicant/accused contended that the applicant is innocent and has been falsely implicated in the case owing to local rivalry, ulterior motives and police high-handedness. He submitted that the FIR was lodged after an unexplained delay of approximately eighteen hours, which, according to him, casts doubt upon the prosecution version and provides sufficient opportunity for deliberation and consultation before registration of the case. It was further argued that there is no direct, ocular or independent evidence connecting the applicant with the ownership, possession or day-to-day operational management of the alleged fireworks factory at the relevant time. Learned counsel maintained that the prosecution has yet to establish, through legally admissible evidence, the exact role attributable to the applicant and the nature of his alleged control over the premises and explosive material. It was further contended that the principal offence under Section 302 PPC (Qatl-bis-Sabab) carries punishment in the form of Diyat and does not entail either death or imprisonment for life; therefore, the same does not fall within the prohibitory clause of Section 497(1) Cr.P.C. It was argued that the ingredients constituting the alleged offence, particularly the requisite criminal liability and causal connection between the applicant's alleged conduct and the unfortunate occurrence, require determination after recording of evidence at trial. Learned counsel further submitted that the investigation has already been completed, the challan has been submitted before the competent Court, and the applicant is no longer required for any investigative purpose. His continued incarceration, therefore, would serve no useful purpose and would amount to pre-trial punishment. He lastly prayed that, in view of the circumstances and the principle of further inquiry, the applicant may be admitted to post-arrest bail.

4. Conversely, learned D.P.G. for the State vehemently opposed the bail application and submitted that the applicant was actively

involved in operating an illegal fireworks manufacturing unit where dangerous and explosive material was allegedly being manufactured, handled and stored without lawful authorization or compliance with the mandatory safety requirements. He emphasized that the occurrence was of an extremely serious nature, resulting in the tragic death of seven persons, serious burn injuries to six persons, and substantial damage to surrounding properties. According to learned D.P.G., the manner in which the explosive material was allegedly stored and handled created grave danger to the lives and safety of the inhabitants of the locality and resulted in an occurrence having serious consequences beyond the immediate victims. It was argued that the offences alleged against the applicant are serious, heinous and non-bailable in nature and, particularly in view of the invocation of the provisions of the Anti-Terrorism Act, the applicant is not entitled to the extraordinary concession of bail. Learned D.P.G. accordingly prayed for dismissal of the application.

5. We have heard the learned counsel for the applicant as well as the learned D.P.G. for the State and have carefully examined the available record with their assistance. At the stage of bail, the Court is not required to conduct a meticulous appraisal of the evidence or undertake an in-depth examination of disputed questions of fact. The Court is required to make a tentative assessment of the material available on record only for the purpose of determining whether the case falls within the prohibitory clause of Section 497 Cr.P.C. or whether it calls for further inquiry within the contemplation of subsection (2) thereof. Any tentative observation made at this stage is not to be construed as a final expression on the merits of the case.

6. In the present case, the principal penal provision invoked against the applicant is Section 322 PPC, relating to Qatl-bis-Sabab. The punishment provided thereunder is in the nature of Diyat and does not prescribe death or imprisonment for life. Consequently, the said offence, considered independently, does not fall within the prohibitory clause of Section 497(1) Cr.P.C. The remaining offences, as presently alleged, also require assessment in the light of the specific role attributed to the applicant and the evidence collected during investigation. The prosecution case, at this stage, substantially rests upon the allegation that the applicant, along with his co-accused/partners, was operating the

alleged fireworks manufacturing unit and was responsible for the unsafe storage and handling of explosive material. However, the precise nature of the applicant's involvement, his actual status in relation to the premises, the extent of his control over the alleged manufacturing activity, and his individual responsibility, if any, for the storage and handling of the material are matters which require determination on the basis of evidence to be recorded by the learned Trial Court. Mere association with the persons allegedly running the premises cannot, by itself, conclusively establish criminal liability unless the prosecution succeeds in establishing the requisite ingredients of the offences and the specific role of the applicant.

7. Furthermore, the question as to whether the alleged occurrence, arising out of an explosion at an unlawfully operated fireworks facility, satisfies the statutory ingredients necessary for attracting the provisions of Sections 6 and 7 of the Anti-Terrorism Act, 1997, would also require careful examination in the light of the evidence and the circumstances surrounding the incident. At the present stage, the mere invocation of the provisions of the Anti-Terrorism Act cannot, by itself, be treated as conclusive of the applicant's liability thereunder. The prosecution would have to establish the necessary nexus between the alleged acts of the applicant and the ingredients of the offences so invoked.

8. Another relevant consideration is that the investigation has already been concluded and the challan has been submitted before the competent Court. The material indicates that the necessary investigative steps, including inspection of the place of occurrence, collection/recovery of debris and other material, and post-mortem examinations of the deceased, have already been carried out. Thus, the applicant is no longer required for the purpose of further investigation. His continued detention, particularly where the case does not squarely fall within the prohibitory clause of Section 497(1) Cr.P.C. and the precise role attributed to him remains a matter requiring evidence, would not advance the cause of investigation. In these circumstances, without expressing any final opinion on the merits of the prosecution case, we are of the tentative view that the applicant has succeeded in making out a case for further inquiry within the meaning of Section 497(2) Cr.P.C. The alleged seriousness of the occurrence, though undoubtedly grave and tragic, cannot substitute the requirement

of establishing the applicant's individual criminal liability in accordance with law.

9. For the foregoing reasons and discussion, the instant bail application is allowed. Accordingly, the applicant/accused Muhammad Shakeel son of Muhammad Yousuf 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 PR bond in the like amount to the satisfaction of the learned Trial Court. The applicant shall attend the proceedings before the learned Trial Court on each and every date fixed, unless his personal attendance is specifically exempted in accordance with law. In case of misuse of the concession of bail, the prosecution shall be at liberty to seek its cancellation in accordance with law.

10. Before parting with the order, it is clarified that the observations made hereinabove are purely tentative and have been recorded solely for the purpose of deciding the present bail application. Nothing contained in this order shall be construed as an expression of opinion on the merits of the prosecution case. The learned Trial Court shall decide the case strictly in accordance with law and on the basis of evidence brought before it, without being influenced by any observation made herein.

11. These are the reasons for our short order dated 13.08.2026, whereby the applicant/accused was admitted to post-arrest bail.

JUDGE

JUDGE

****Hafiz Fahad****