

## IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S-539 of 2025

Applicant : Raja son of Lal Dino by caste Solangi  
Through Mr. Ghulam Shabbir Bhutto, Advocate

Complainant : Through Mir Shabbir Hussain Talpur, Advocate

The State : Through Mr. Muhammad Raza Katohar, DPG

Date of hearing : 30.10.2025

Dated of order : 30.10.2025

### **ORDER**

**KHALID HUSSAIN SHAHANI, J.—** The applicant, Raja son of Lal Dino, seeks confirmation of the ad-interim pre-arrest bail granted by this Court on 26.06.2025, in FIR No.71 of 2025, for offence under Sections 302, 148, and 149 PPC, registered at Police Station Kumb, District Khairpur.

2. The FIR records that on 05.04.2025, the complainant SIP Ghulam Mustafa Jalbani was present at Police Station Kumb when Sahib Dino son of Abdullah Solangi presented the dead body of his brother, Shafique Ahmed, exhibiting a firearm wound to the right side of the chest with blood oozing therefrom. The complainant duly forwarded the body for post-mortem examination through PC Raza Hussain. Upon seeking cooperation from Sahib Zado Solangi and other legal heirs for FIR registration, the complainant was met with refusal. Nonetheless, the complainant learned that accused Ameen, Yaseen, Raja (all sons of Lal Dino), Shah Dino son of Ali Khan, and three unidentified individuals were implicated in the murder.

3. The applicant initially applied for pre-arrest bail before the learned 1<sup>st</sup> Additional Sessions Judge, Khairpur, which was declined on 04.06.2025. Aggrieved, the applicant has now invoked the jurisdiction of this Court.

4. Counsel for the applicant vehemently argues that the applicant is innocent and has been falsely implicated. The case is founded solely on hearsay evidence, as no witness has directly seen the applicant commit the alleged

offences. There exists an inordinate and unexplained delay of six days in lodging the FIR, undermining its credibility. Furthermore, an earlier Criminal Miscellaneous Application No. 988 of 2025, filed by the applicant's father against the SHO and other police officials, was disposed of on 21-03-2025, indicating possible malice on part of police authorities, thereby rendering the allegations against the applicant questionable. Learned counsel has relied upon authoritative decisions including *Rizwan Haider and others v. The State* (2022 P.Cr.L.J 908 [Sindh]), *Arbab Ali Lolai v. The State* (2020 P.Cr.L.J Note 65 [Sindh Larkana Bench]), and *Muhammad Ibrahim v. The State* (2020 P.Cr.L.J Note 90 [Sindh Hyderabad Bench]) to reinforce the entitlement to bail where the case calls for further inquiry.

5. Conversely, the learned Deputy Prosecutor General, assisted by the complainant, submits strong opposition to the bail confirmation. It is contended that the applicant is specifically named in the FIR with a defined role. The delay in FIR registration has been satisfactorily explained by the fact that legal heirs were initially reluctant to lodge the FIR. Statements recorded under Section 161 Cr.P.C of Sahib Dino and Mst. Nasim implicate the applicant in restraining the deceased, enabling accused Sahib Dino to fire. The arrest of co-accused persons and recovery of pistol matching the empties found at the scene reinforce prosecution's case. It is therefore prayed that bail be refused.

6. Having heard learned counsel on both sides and perused the record including the impugned order of the learned trial court, it is clear that at this stage the Court's function is limited to a tentative evaluation of the material on record, not a full trial of facts. The Hon'ble Supreme Court in *Jamaluddin v. The State* (2023 SCMR 1243) reiterated that where a reasonable doubt arises as to the accused's guilt, the matter falls within the scope of further inquiry and bail ought to be granted.

7. In the instant case, the prosecution's narrative suffers several infirmities. Notably, no witness from the prosecution has directly identified the applicant committing the murder; the incident remains unseen by complainant party members. The delay in lodging the FIR, admitted by the prosecution, remains unexplained at this stage in terms of its effect on the case's bona fides. The possibility of custodial interrogation for recovery cannot be converted into a pretext for punitive custody, especially where commission of the offence is doubtful.

8. Therefore, on a tentative appraisal of the record, the applicant has made out a prima facie case that warrants acceptance of the bail plea under Section 497(2) Cr.P.C., as the allegations call for further inquiry.

9. Accordingly, the application is hereby allowed. The interim pre-arrest bail granted on 26.06.2025 is confirmed, subject to the same terms and conditions previously imposed.

10. It is, however, expressly clarified that the observations made herein are purely tentative and shall not in any manner influence the trial court's final adjudication on merits based on evidence.

**J U D G E**