

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

Cr. Bail Appln. No. S-814 of 2025

Applicants : 1) Mehrab son of Ghulam Sarwar, Jatoi  
2.) Kamran son of Mumtaz Ali, Jatoi  
*Through Mr. Ajeebullah Junejo, Advocate*

Complainant : Munawar Ali son of Haji Khan Laghari  
*Through Mr. Muhammad Asim Malik, Advocate*

The State : *Through Mr. Muhammad Raza Katohar, DPG*

Dated of Hearing : 27.10.2025  
Dated of order : 07.11.2025

**ORDER**

**KHALID HUSSAIN SHAHANI, J.—** The applicants, Mehrab and Kamran, seek post-arrest bail in Crime No.35 of 2025, for offences under sections 302, 324, 337-H(ii), 337-A(i), 337-F(i), 147, 148 and 149 PPC, registered at Police Station Baiji Sharif, District Sukkur. Their prior bail application before the learned Additional Sessions Judge, Pano Akil, was declined on 30.08.2025.

2. The FIR lodged by complainant Munawar Ali recounts that the animosity between the parties traces back to allegations of theft against the son of accused Ghous Bux, who subsequently committed suicide. The accused remained hostile, issuing threats to the complainant party. On 31.03.2025, while the complainant and his family were proceeding after Eid prayers, the accused intercepted them and launched a violent attack, resulting in fatal gunshot injuries to Aijaz Ali (deceased). The accused discharged firearms indiscriminately, compelling the complainant party to seek safety on the ground. Despite prompt medical attention, the victim succumbed to injuries, leading to the FIR registration.

3. Counsel for the applicants submits that the applicants have been falsely implicated due to longstanding enmity between the parties. It is emphasized that no direct role causing injury is attributed to the applicants; rather, only co-accused Ghous Bux and Sohrab have been assigned the fatal

shots. The applicants' alleged "ineffective firing" does not warrant the same degree of culpability. Prosecution witnesses being relatives of the complainant indicates a potential bias and demands cautious evaluation, even at the bail stage. Moreover, the unexplained delay exceeding seven hours in lodging the FIR suggests possible deliberation and manipulation. Given that the investigation is complete and the challan submitted, continued detention serves no investigative purpose. Reliance is placed on authoritative precedents including 2005 MLD 1267, 2021 SCMR 540, and 2021 SCMR 63.

4. Conversely, the learned Deputy Prosecutor General contends the applicants actively participated as armed members of an unlawful assembly, rendering them liable under Section 149 PPC irrespective of direct firing causing injury. Eyewitness accounts recorded under 161 Cr.P.C. substantiate the allegations, confirming their complicity in a brutal daylight murder. The recovery of weapons implicates the applicants in separate offenses under the Sindh Arms Act. The prosecution urges rejection of bail.

5. The complainant's counsel supports the prosecution's stance, stressing the heinous nature of the crime and the applicants' known criminal records, underscoring their habitual offending and unfitness for bail, citing 2013 SCMR 385 and related decisions.

6. Upon careful consideration of the record and arguments, it is evident that the only specific allegations of causing fatal injuries rest exclusively on co-accused Ghous Bux and Suhrab. The applicants are implicated on the basis of general, omnibus allegations of indiscriminate firing. The Supreme Court in *Tariq Bashir v. The State* (PLD 1995 SC 34) has consistently held that where no specific overt act causing death is ascribed, the matter is *prima facie* fit for "further inquiry" under Section 497(2) Cr.P.C. This principle was reaffirmed in *Jahannzeb and others v. The State* (2021 SCMR 63), where accused engaged in ineffective firing were granted bail.

7. Additionally, the presence of prior enmity, openly admitted in the FIR, lends credence to the possibility of false implication with mala fide intent. The substantial delay of more than seven hours in lodging the FIR despite the short distance to the police station and initial police records showing non-inclusion of applicants in early reports, strongly indicate calculated delay and afterthought, reducing the credibility of prosecution's case at this interim stage.

8. Furthermore, the delayed recoveries of weapons connected to the applicants, occurring days after their arrests, and the significant lag in forensic examination, compound doubts surrounding the authenticity of these incriminating evidences.

9. Critically, with the completion of investigation and submission of challan, there remains no justification to retain the applicants in custody for investigative purposes. The settled principle in Tariq Bashir (supra) unequivocally favors bail in such circumstances, especially where the case calls for further inquiry.

10. In light of these cumulative factors, the vague, nonspecific allegations, prior enmity, unexplained delay in FIR, questionable recovery circumstances, and completed investigation, prima facie the case of applicalls falls within the ambit of further inquiry deserving bail under Section 497(2) Cr.P.C.

11. Accordingly, Mehrab and Kamran are admitted to post-arrest bail, subject to each furnishing solvent surety in the amount of Rs. 500,000 (Five Hundred Thousand Rupees) along with P.R. bonds in the like amount, to the satisfaction of the learned trial court.

12. It is imperative to clarify that these observations are tentative and shall not prejudice or bind the trial court at final adjudication, which shall be based solely on evidence produced during trial.

**J U D G E**