

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-303 of 2025

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Applicant: Atta Muhammad S/o Jan Muhammad
Laghari,
Through Mr. Afzal Karim Virk, Advocate.

Respondent: The State
Through Mr. Dhani Bakhsh Mari, A.P.G.

Complainant: Waqas Ahmed S/o Darya Khan,
Through Mr. Ali Hassan Chandio, Advocate.

Date of Hearing: 09.12.2025

Date of Order: 09.12.2025

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ORDER

Shamsuddin Abbasi, J-: Applicant Atta Muhammad seeks post-arrest bail in Crime No.131 of 2023 for offence under Sections 302, 324, 452, 506(ii), 114, 148, 149, 337-A(i), F(i) and 504 P.P.C, registered at Police Station Digri, after dismissal of his bail plea by the learned Additional Sessions Judge-I, Mirpurkhas, vide order dated 11.10.2025.

2. It is alleged in the F.I.R that co-accused Makhan Laghari caused sharp sided hatchet blow at the head of Aijaz Ali on the instigation of the applicant, hence this F.I.R.

3. Learned counsel for the applicant submits that the applicant is innocent and falsely implicated in this case on the ground that he is father of the main accused; that only role of instigation has been assigned to the applicant and vicarious liability requires further investigation in terms of section 497(2) Cr.P.C; that his absconsion is not willful; that he is behind the bar without any progress in trial. Lastly, he prayed for grant of post arrest bail. In support of his contentions, he relied on case law reported as **2025 SCMR 318 [Supreme Court of Pakistan]**.

4. Conversely, learned A.P.G for the State assisted by counsel for the

complainant has opposed for the grant of bail on the ground that the applicant is nominated in the F.I.R with specific role of instigation; that he was absconder for 03 years, therefore, he is not entitled for grant of bail.

5. Heard learned counsel for the applicant, learned counsel for the complainant, learned A.P.G for the State and perused the record.

6. From tentative assessment of material available on record, it appears that there is 06 days delay in lodgment of the F.I.R without any plausible explanation and in background of the enmity, it cannot be ruled out that F.I.R was registered after due consultation and deliberation. The only role of instigation has been assigned to the applicant and it is settled position of law that sharing of common intention and its vicarious liability requires further enquiry in terms of section 497(2) Cr.P.C. Reliance is placed on a case reported in **2011 SCMR 902**. Counsel for the complainant mainly contented that the applicant remained willful absconder for 03 years. It is settled law that in case of Mitho Pitafi vs. The State reported in **(2009 SCMR 299)** wherein Hon'ble Supreme Court of Pakistan has granted bail by holding that mere absconsion will not come on the way of accused for grant of bail if his case is good for grant of bail on merits. Co-accused have been acquitted by the learned trial court and in such a position, Hon'ble Supreme Court of Pakistan in a case of Mazhar Ali Vs. The State and another reported in **2025 SCMR 318 [Supreme Court of Pakistan]** has granted bail to the accused.

7. In view of the above, the applicant is admitted on post arrest bail subject to furnishing solvent surety in the sum of Rs.300,000/- and a P.R Bond in the like amount to the satisfaction of learned trial court.

8. The observations made here-in-above are tentative in nature and would not prejudice the case of either party at the trial.

The application stands disposed of.

JUDGE

Faisal