

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2903 of 2025

Applicant : Noor Muhammad, Through: M/s. Muhammad Daud Narejo and Muhammad Yousuf Narejo, Advocates

Complainant : Muhammad Aslam Khan, Through: Mr. Iqbal Shah, Advocate

The State : The State: Through Ms. Seema Zaidi, Additional Prosecutor General, Sindh

Date of hearing : 02.02.2026

Date of Order : 02.02.2026

ORDER

Jan Ali Junejo, J:-- Through this application under Section 497 Cr.P.C., the applicant Noor Muhammad seeks post-arrest bail in case FIR No.471/2025 registered at Police Station SITE 'A', Karachi, for offences punishable under Sections 302, 324, 109 and 34 PPC. The applicant impugns the order dated 18.10.2025 passed by the learned Xth Additional Sessions Judge, Karachi West, whereby his bail application was declined.

2. As per contents of the FIR, lodged by complainant Muhammad Aslam Khan on 19.08.2025 at about 05:00 a.m., it is alleged that on the intervening night of 19.08.2025 at about 12:30 a.m., a quarrel took place inside the house between the applicant Noor Muhammad and other family members. During the altercation, the applicant allegedly produced a pistol, which was snatched by his son Shehbaz. It is alleged that the applicant exhorted

his son to open fire, upon which Shehbaz allegedly fired shots resulting in seven bullet injuries to Muhammad Asif Khan (brother of the complainant), who later expired at Agha Khan Hospital, while another person sustained firearm injury. On such allegations, the present FIR was registered under Sections 302, 324, 109 and 34 PPC.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated due to family dispute. It is argued that the specific role of firing has been attributed to co-accused Shehbaz, whereas the present applicant has been roped in merely on the allegation of instigation without any overt act. It is further contended that statements under Section 161 Cr.P.C. do not support the prosecution case against the applicant. Learned counsel emphasized that a compromise has been effected between the applicant and the legal heirs of the deceased, namely the widow, mother and father, who have filed affidavits of no objection and have pardoned the applicant voluntarily. It is argued that the offence under Section 302 PPC is compoundable with the permission of the Court and that the spirit of reconciliation has been recognized by superior Courts. It is further submitted that the applicant is no more required for investigation, has remained behind bars, and continued detention would amount to pre-trial punishment. Learned counsel prayed that the applicant be admitted to bail.

4. Conversely, learned counsel for the Complainant concedes that the legal heirs of the deceased have compromised with the

Applicant and they have raised no objection if the bail application is allowed as prayed.

5. The learned Additional Prosecutor General opposed the bail application and submitted that the applicant is specifically nominated in the FIR with the role of instigation. It is contended that the weapon used in the commission of offence is licensed in the name of the applicant, which prima facie connects him with the crime. It is further argued that the offence falls within the prohibitory clause of Section 497 Cr.P.C., being a case of murder, and there exist reasonable grounds to believe that the applicant is connected with the commission of the offence. She further argued that the matter of compromise shall be decided by the learned trial Court. Learned A.P.G. lastly prayed for dismissal of the bail application.

6. I have considered the arguments advanced by learned counsel for the parties and have examined the record with their able assistance. It is settled law that at the bail stage only a tentative assessment of the material is to be undertaken, without entering into a deeper appreciation of the evidence. The specific allegation in the FIR against the present applicant is that he instigated his son to open fire. The actual firing and causing of fatal injuries has been attributed to co-accused Shehbaz. No overt act of firing has been assigned to the present applicant. The question as to whether the alleged exhortation was made and whether it had direct nexus with the commission of offence requires deeper appreciation of evidence, which can only be undertaken at trial. At this stage, the role

attributed to the applicant appears to be one of instigation, the proof whereof is subject to strict scrutiny during trial. It is also a matter of record that the legal heirs of the deceased, namely the widow, mother and father, have filed affidavits expressing no objection to the grant of bail and have pardoned the applicant. Although compromise in a murder case requires formal permission of the trial Court under Section 345 Cr.P.C., the factum of compromise at least reflects that the possibility of conviction may require further probing at trial. The investigation has been completed and the applicant is no more required for custodial interrogation. The applicant has remained in custody since his arrest. No material has been shown that in case of release on bail, he would abscond or tamper with prosecution evidence. Without delving into deeper appreciation of evidence, and considering the nature of allegation, the role attributed to the applicant, the fact of compromise by legal heirs, and the settled principle that bail is not to be withheld as punishment, I am of the tentative view that the case of the applicant calls for further inquiry within the meaning of Section 497(2) Cr.P.C.

7. For the foregoing reasons, this Criminal Bail Application No. 2903 of 2025 is allowed. The applicant Noor Muhammad son of Moosa Khan is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Hundred Thousand Only) and P.R. bond in the like amount to the satisfaction of the learned Trial Court in FIR No.471/2025 under Sections 302, 324, 109 and 34 PPC registered at Police Station SITE 'A', Karachi. Needless to observe that the observations made herein are tentative

in nature and shall not prejudice the case of either party during trial.

These are the detailed reasons of the Short Order dated: 02-02-2026.

JUDGE

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