

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail App. No. S – 739 of 2025

*(Aijaz Ahmed alias Aijaz Ali Jakhrani versus The State)*

Date of hearing : 28.01.2026

Date of decision : 28.01.2026

Mr. Achar Khan Gabol, Advocate for applicant.  
Mr. Shabbir Ali Bozdar and Ms. Aaraf Soomro, Advocates for complainant.  
Mr. Khalil Ahmed Maitlo, Deputy Prosecutor General.

## ORDER

**Mahmood A. Khan, J.** – In the present bail after arrest, the applicant seeks bail in Crime No.76 of 2023, registered at Police Station Daharki, District Ghotki, under Sections 302, 114, 148, 149, 337-H(2), PPC, wherein he is alleged to be available at the place of the crime, wherein two sons of the complainant were murdered.

2. Learned Counsel for the applicant contends that mere presence and no active role of the applicant have been attributed. He also contends that the challan was submitted in May 2023 and the charge was framed on 02.09.2024 and 17.09.2025, whereas the applicant was considered juvenile in December 2023. Learned Counsel, as such, contended that his bail application is liable to be considered on merits, juvenile and statutory delay. In this regard, learned Counsel, relying upon the authorities reported as **2014 SCMR 12**, **2014 SCMR 1347**, **2017 SCMR 279**, **2020 SCMR 451**, and **2020 MLD 786**, contended that Section 6, Sub-section 5 of the Juvenile Justice System Act, 2018, provides a trial of six months, whereafter bail is to be considered for the juvenile offender. He further contends that the trial has not been restricted on account of actions of the present applicant and the framing of the charge itself provides for the entertainment under the said Juvenile Act, and proceedings having not concluded therein, present applicant is liable to be considered accordingly.

3. Learned Counsel for the complainant, however, contends that two sons of the complainant were brutally murdered by a pre-planned formation. That the earlier bail application was dismissed as not pressed on the ground of seeking opportunity to the juvenile although the ground was available and was not pressed. He further contends that the second bail application is not maintainable on the same ground. He refers to the concluding paras of the order passed by the trial Court refusing the bail application and further contends that the present applicant was indulging into change his counsel, and as such eventually, the Court appointed Counsel on State expenses for proceeding of the trial. He also contends that no delay has been caused by the complainant and the prosecution witnesses have supported the version of the complainant. Learned Counsel has relied upon the authorities of **2013 SCMR 1524, PLD 2014 Supreme Court 241, 2019 YLR 2141, 2020 SCMR 2089, 2021 SCMR 302, 2023 SCMR 421 and 2023 YLR 1027.**

4. Learned DPG, however, contends that the present applicant was arrested along with the pistol, to which empties had positive ballistic report. He further contends that the juvenile is not required to be considered otherwise in murder cases, and where four witnesses have been examined, the present applicant is a fit case of direction and no more. He relies upon **2006 SCMR 966 and 2023 SCMR 1726.**

5. Learned Counsel for the applicant in rebuttal only pleads existence of enmity and grounds of his bail application.

6. Having heard the learned Counsels and gone through the record, I acquired the certified copies of the depositions, wherein apparently, examination-in-chief of the witnesses has been recorded on 29.05.2025; however, cross-examination is still to be conducted as has been admitted by learned Counsel for the applicant.

7. Undoubtedly, Section 6 of the Juvenile Justice System Act, 2018, provides for special concession to juvenile offender; however, the same is not unrestricted nor the entertainment is to be considered without touching the merits. The applicant is apparently failing to proceed with the case, and the availability of the ground of juvenile, since long availed and not utilized in the proper manner, does not provide the applicant to stand on a juvenile ground at a date of his own choice and by way of second application where the same was available in the first application also.

8. Apart from the same, merits are not found inviting in a double murder case to be dealt for an applicant who is not only failing to proceed with the matter, nothing has been brought forwarded before this Court that the applicant was not involved in the heinous offence. Accordingly, while **dismissing** the bail application on all the three grounds discussed above, trial Court is directed to ensure that a sincere attempt be made for conclusion of the trial within a period of three (03) months hereof.

Bail application stands **disposed of** in the above terms.

Abdul Basit

J U D G E