

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail App. No. S – 789 of 2025

(*Ghulam Asghar Bhagat versus The State*)

Date of hearing : 27.01.2026

Date of decision : 27.01.2026

Mr. Sheeraz Fazal, Advocate for applicant.

Mr. Waheed Ali Samtio, Advocate for complainant.

Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.

ORDER

Mahmood A. Khan, J. – By way of this application, the applicant requires bail in Crime No.03 of 2025, registered at Police Station Mangi Mari, District Khairpur, under Sections 302, 324, 147, 148, 149, 337-H(2), PPC, wherein one person has lost his life and two persons are reported to be injured, wherein the present applicant has been attributed to the firing of injuries on one of the injured.

2. Learned Counsel for the applicant contends that there is fifteen (15) hours' delay in lodging of the FIR; that the identification alleged in the matter is of weak nature having been obtained under tractor-trolley's light. It is also contended that the injuries attributed to the applicant are on non-vital part and no repetition of firing by him is present.

3. Learned Counsel for the complainant, however, contended that specific role has been assigned; that the delay has been properly explained in the last para of the FIR on account of hospitalization. It is also contended that at the place of incident five (05) empties of Kalashnikov rounds were recovered and that bloodstained earth has also been brought up on record. Learned Counsel also states that no allegation of false implication has been made in the matter. He relies upon the case of *Sheqab Muhammad v. The State and others* reported as **2020 SCMR**

1486, contending that vital and non-vital parts in the murderous assault has no bearing.

4. Learned DPG also contends that accused has been specifically nominated with the specific role of causing injuries on the leg of the one of the victims, who was injured; that the medical evidence is in line with the ocular evidence as brought forwarded; that the witnesses are supporting the version of the complainant; that heinous offence has been caused in the matter where one person has lost his life and two persons are reported to be injured, having capital punishment and the offences as such coming within the prohibitory element, whereby the bail application is liable to be dismissed.

5. In rebuttal, learned Counsel for the applicant has relied upon the cases of Naveed Sattar v. The State and others (2024 SCMR 205) and Mazhar Ali v. The State and another (2025 SCMR 318), contending that the concession is available as considered in these reported cases relied upon by him and that no weapon has been recovered.

6. Having heard the learned Counsels and gone through the record, the allegations in the matter of crime having been occurred, wherein one person has lost his life and two persons are reported to be injured, and use of firearms is present with specific roles defined to the persons and the material brought forwarded not showing that the present applicant is not involved in the matter, the concession of bail is not found available. As such, the bail is **refused**; however, considering the number of witnesses, learned trial Court is expected to conclude the trial within a period of three (03) months hereof.

Bail application stands **dismissed** in the above terms.

J U D G E