

IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA

1st Criminal Bail Application No. S-51 of 2026

Applicant : Sayed Zubair Ali Shah son of Syed Imdad Ali Shah, through Mr. Muhammad Afzal Jagirani, Advocate.

Complainant : Muhammad Mithal, through Mr. Wazir Ali Mahar, Advocate.

The State : Mr. Sardar Ali Solangi, D.P.G for State.

Date of hearing : 30.03.2026
Date of Order : 30.03.2026.

ORDER

Abdul Hamid Bhurgri, J.- The applicant Sayed Zubair Ali Shah seeks, post-arrest bail in Crime No.295/2025, registered at Police Station K.N. Shah, District Dadu, for offences punishable under Sections 302, 504, 120-B, 337-H(ii), 147, 148 and 149, P.P.C., after dismissal of his bail application by the learned II-Additional Sessions Judge, Dadu, vide order dated 27.01.2026.

2. As per the F.I.R., on 14.12.2025 at about 01:40 hours, the applicant, along with co-accused Adil, allegedly caught hold of the deceased, Manthar Ali, by his arms, while co-accused Khalid, armed with a pistol, allegedly made a direct fire at the right temporal region of the deceased at the instigation of co-accused Badal, Nawab Ali and Ghulam Muhammad, resulting in his death at the spot. The F.I.R. was lodged on the next day at about 23:00 hours.

3. Learned counsel for the applicant contends that the applicant is innocent and has falsely been implicated in this case. He submits that the applicant was not present at the place of occurrence at the relevant time. He further argues that there is delay of about

one day in lodging the F.I.R. without plausible explanation. It is also contended that the role attributed to the applicant is limited to catching hold of the deceased, which, according to him, calls for further inquiry within the meaning of Section 497(2), Cr.P.C. He further submits that no independent witness has been cited and that the applicant has no previous criminal record. Reliance has been placed upon 2008 P.Cr.L.J 1512, 1994 SCMR 393 and 2023 SCMR 1243.

4. Conversely, learned Deputy Prosecutor General for the State, assisted by learned counsel for the complainant, has opposed the grant of bail, contending that the delay in lodging the F.I.R. stands reasonably explained; the applicant is specifically nominated in the F.I.R. with a distinct role; and that he actively participated in the occurrence by restraining the deceased, thereby facilitating the principal act of murder. It is further contended that the ocular account is supported by medical evidence and that the offence alleged carries capital punishment; hence, the applicant does not deserve the concession of bail.

5. Heard learned counsel for the parties and perused the available record with their assistance. A tentative assessment of the material reflects that the applicant is specifically nominated in the F.I.R. with an assigned role of catching hold of the deceased, which prima facie indicates his active participation in the commission of the offence. The ocular account furnished by the complainant appears, at this stage, to be consistent and is supported by the medical evidence. As regards the delay in lodging the F.I.R., the same stands plausibly

explained by the complainant in the F.I.R., namely, that the time was consumed in shifting the injured/deceased to the hospital, conducting postmortem proceedings and performing burial rites. Such explanation, at this stage, does not adversely affect the prosecution case. Although the fatal shot is attributed to co-accused Khalid, yet the role assigned to the present applicant, being that of restraining the deceased, prima facie brings his case within the ambit of common intention/common object, the determination whereof shall be made at trial after recording evidence. At this stage, sufficient material is available to form a tentative opinion that there exist reasonable grounds to believe that the applicant is connected with the commission of a heinous offence punishable with death, therefore, his case does not fall within the scope of further inquiry as envisaged under Section 497(2), Cr.P.C.

6. In view of the foregoing reasons, the applicant is not entitled to the concession of bail. Accordingly, the instant bail application is dismissed.

7. The observations made hereinabove are tentative in nature and shall not prejudice the merits of the case at trial.

8. The case law relied upon by learned counsel for the applicant has been considered; however, the same is distinguishable on facts and circumstances of the present case.

J U D G E