

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

1<sup>st</sup> CrI. Bail Application No. S -195 of 2026

Applicant : Hidayatullah Atrani Jatoi, through Mr. Muhammad Afzal Jagirani, Advocate.

The State : Through Mr. Sardar Ali Solangi, Deputy Prosecutor General, along with Complainant/ ASI Loung Khan Mangi.

Date of hearing : 09.06.2026.

Date of Order : 09.06.2026.

ORDER

RIAZAT ALI SAHAR, J.- Applicant Hidayatullah son of Gulan *alias* Ali Baig, by caste Atrani Jatoi, seeks pre-arrest bail in Crime No.56/2025 of P.S Rustam, District Shikarpur, for offence u/s 302, 311, 201, 120-B, 147, 148, 149, PPC, after dismissal of his such plea by the learned 1<sup>st</sup> Additional Sessions Judge (MCTC), Shikarpur vide order dated 07.3.2026.

2. The prosecution case, in brief, is that on 23.07.2025, a police party led by complainant ASI Nando Khan Gujrani of PS Tangwani, being on patrolling duty, received spy information that accused Ramzan Atrani Jatoi along with his accomplices after committing murder of his wife Mst. Muradan on 20.07.2025, at about 5.00 p.m., on the allegation of "Kari" with one Saindad *alias* Sando Kosh, has caused disappearance of her dead body. Due to reluctance of relatives of deceased Mst. Muradan, the complainant ASI Nando Khan registered FIR of this case on behalf of State.

3. Learned Counsel for the applicant contends that the applicant is innocent and has been falsely implicated in this case under suspicion; that the alleged incident is unseen and unwitnessed and even none from the members of police party claim to have seen the alleged incident of murder of Mst. Muradan; that the story set forth in the FIR is unconvincing and unbelievable; that the FIR has been lodged with the delay of 03 days; that two women, namely, Mst. Haleema wife of Miran Bux Kosh Jatoi and Mst. Subhan Khatoon (mother of deceased), who had appeared and narrated the incident before complainant ASI, filed their affidavits before the trial Court, in which they exonerated the applicant and raised no objection for grant of bail to the applicant; that the case against the

applicant requires enquiry as contemplated under sub-section (2) to Section 497, Cr.P.C. He finally prayed for grant of bail to the applicant.

4. On the other hand, learned DPG opposed the bail application, contending that the name of the applicant is mentioned in the FIR; that this is a case of honour killing in which the deceased was undeniably killed in the house of the her husband co-accused Ramzan Atrani Jatoi, brother of the present applicant, for which he has failed to offer any justifiable explanation, which shows that he is involved in the murder of deceased Mst. Muradan, on the allegation of illicit terms with Saindad @ Saindo Kosh, therefore, he is not entitled to concession of bail.

5. Heard learned counsel for the applicant, learned DPG for the State, and perused the material available on record.

6. The tentative appraisal of the material on record reveals that the present case was registered on behalf of the State. The applicant/accused is nominated in the FIR along with his brother co-accused Ramzan Atrani Jatoi for committing murder of Mst. Muradan (deceased) after declaring her as "Kari" with Saindad @ Saindo Kosh. The incident occurred on 20-07-2025 at 5.00 p.m. Two women, namely, Mst. Haleema wife of Meeran Bux and Mst. Subhan wife of Mubarak Kosh, who is the mother of deceased Mst. Muradan have implicated the present applicant and others in the commission of murder of deceased. Till date the dead body of deceased has not been recovered and that is more probably on account no arrest made in the case. The tragic loss of an innocent woman's life under the pretext of honour killing highlights a grave issue that continues to plague society. Perpetrators often justify honour killing as an act of "Ghairat", which is a severe violation of human rights and has far-reaching consequences on the social fabric of our nation. Such heinous crimes are not only morally reprehensible but also legally indefensible, and it is the collective responsibility of all stakeholders to ensure that such crimes are not tolerated and that justice is served for the victims.

7. Reverting to the affidavits of Mst. Haleema and Mst. Subhan Khatoon (mother of the deceased), no doubt, they have sworn their affidavits before the trial Court, raising no objections to granting bail to the applicant, but the offence *prima facie* appears to have been committed on the pretext of honour which has not been declared as compoundable under Section 345 Cr.P.C. Even, the mother deceased was not shown present at the time of the alleged offence,

and they are not eye-witnesses of the incident, therefore, at this juncture, filing affidavits is tantamount to damaging the prosecution evidence; therefore, the same is worth no consideration.

8. It may be observed that killing of a woman on the pretext of honour is not only un-Islamic, but unconstitutional and an offence against the State and society. Moreover, this is a pre-arrest bail and nothing has been brought on record to show any ill-will or any malafide on the part of the complainant to falsely involve the applicant/accused with the commission of the murder of his sister-in-law (brother's wife), which is an essential requirement for the grant of pre-arrest bail. In this regard, I am fortified with the case law of the Hon'ble Supreme Court of Pakistan reported as **2019 SCMR 1129**, wherein it was held as under:-

"Grant of pre-arrest bail is an extra ordinary remedy in criminal jurisdiction; it is the diversion of the usual course of law, arrest in cognizable cases; a protection to the innocent being hounded on trump up charges through abuse of process of law, therefore a petitioner seeking judicial protection is required to reasonably demonstrate that intended arrest is calculated to humiliate him with taints of mala fide; it is not a substitute for post arrest bail in every run of the mill criminal case as it seriously hampers the course of investigation----the principles of judicial protection are being faithfully adhered to till date. Therefore, grant of pre-arrest bail essentially requires considerations of malafide, ulterior motive or abuse of process of law."

9. The offence entailing capital punishment falls within the prohibitory clause contained in subsection (1) of section 497 Cr.P.C, which disentitles the applicant for grant of bail.

10. In view of the above circumstances, the applicant has no case for grant of extraordinary relief of pre-arrest bail, therefore, instant bail application was dismissed by a short order dated 09.06.2026. Above are the reasons for the said short order.

11. Needless to mention here that the observations made hereinabove are tentative, which shall not influence the trial Court while deciding the case of the applicant on merits.

JUDGE