

THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANO

Criminal Bail No.S-583 of 2024

Applicant: Ghulam Rasool Khan son of Mazan Khan
Through Mr. Asif Ali Abdul Razzak Soomro,
Advocate a/w Applicant.

The State: Through Mr. Sardar Ali Solangi, Deputy
Prosecutor General, Sindh.

Date of Hearing: 08.06.2026

Date of Order: 08.06.2026

ORDER

RIAZAT ALI SAHAR, J.-. Through instant bail application, applicant Ghulam Rasool Khan seeks pre-arrest bail in the case emanating from F.I.R No.12/2024, registered at Police Station Faridabad District Dadu for offence punishable under Sections 302, 109, 324, 337-H(2), 504, 114, 148, 149 P.P.C.. Prior to this, the applicant preferred his bail plea before the Trial Court i.e. Additional Sessions Judge-I, Mehar, which was declined vide order dated 27.09.2024; hence this bail application has been maintained.

2. Heard the learned counsel for the parties and perused the material available on record.

3. The FIR was lodged on 10.02.2024 at 10:00 a.m., with a delay of about two days, as the alleged incident had taken place on 08.02.2024 at 6:00 p.m. Admittedly, the name of the present applicant does not transpire in the FIR.

4. It is true that the injured witness, namely Rahmatullah, has filed an affidavit exonerating the applicant/accused Ghulam Rasool from his alleged involvement in the commission of the offence. However, such an affidavit, by itself, may not be sufficient to extend the concession of bail unless it is supported by other material available on the record. Nevertheless, the same can certainly be considered as a corroborative circumstance in favour of the applicant.

5. It is also an admitted position that co-accused Rustam Ali and Khadim Hussain have already been admitted to bail by the learned trial Court vide order dated 22.04.2024.

6. The prosecution has mainly relied upon the statement of P.W. Manthar Ali Khaskheli recorded under Section 164, Cr.P.C., which came to be recorded after an unexplained delay of about thirty-seven days from the registration of the FIR. In the said statement, the witness assigned the specific role of firing upon the deceased, Shah Murad, to the present applicant. However, this version appears to be in material contradiction to the narration contained in the FIR, wherein the complainant specifically alleged that the fatal shot was fired by co-accused Rustam Ali. This material inconsistency prima facie creates serious doubt regarding the prosecution story, the benefit whereof, at least for the purpose of bail, must accrue to the applicant.

7. At this stage, I am not inclined to embark upon a deeper appreciation of the evidence, as the same would prejudice the case of either side at the trial.

8. In the above circumstances, the applicant has made out a case for confirmation of the pre-arrest bail; therefore, the bail application is allowed. Consequently, the interim pre-arrest bail earlier granted to the applicant vide Order dated 08.10.2024 is hereby confirmed on the same terms and conditions.

9. Nevertheless, it has been observed that the findings and observations made herein are purely tentative in nature and have been recorded solely for the purpose of deciding the present bail application. They shall not prejudice or influence the case of either party during the course of trial, which shall be decided strictly on the basis of the evidence adduced before the trial Court.

Judge

Manzoor