

**THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANO**

**Criminal Bail No.S-406 of 2025**

Applicants: (1). Ali Sher son of Rasool Bux Brohi  
(2). Shoaib son of Abdul Wahid Brohi  
Through Mr. Muhammad Hashim Soomro,  
Advocate a/w Applicants.

Complainant: Shahr Bano w/o Ali Akbar Brohi  
Through Mr. Abdul Hakeem Brohi, Advocate.

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, applicants Ali Sher and Shoaib both by caste Brohi seek pre-arrest bail in the case emanating from F.I.R No.09/2025, registered at Police Station Nabi Shah Waggan for offence punishable under Sections 302, 109, 148, 149, 34 P.P.C.. Prior to this, the applicants preferred their bail plea before the Trial Court i.e. 1<sup>st</sup> Additional Sessions Judge, Shikarpur, which was declined vide order dated 17.07.2025; hence this bail application has been maintained.

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

3. According to the prosecution case as narrated by the complainant, Mst. Shahr Bano, in the FIR, accused Ali Sher and Shuaib Brohi, armed with Kalashnikovs, along with accused Abdul Hameed, Abdul Qudoos and one unidentified person, intercepted her husband, Akbar, while he was riding a motorcycle and forced him to the ground. It is alleged that accused Abdul Hameed caught hold of the deceased by his arms, while accused Abdul Qudoos held his legs, and accused Shuaib pressed a piece of cloth over his mouth and nose with his hands, thereby obstructing his breathing, which allegedly rendered him unconscious and ultimately

resulted in his death. However, the medical evidence available on record does not *prima facie* support the ocular account. The postmortem report reveals that the cause of death of deceased Akbar was Benzodiazepine poisoning and does not indicate any signs of asphyxia, strangulation, or other injuries ordinarily associated with forcible smothering. This apparent inconsistency between the medical and ocular evidence creates a serious doubt regarding the prosecution version, and such doubt, at least at this tentative stage, endures to the benefit of the applicant.

4. Even otherwise, according to the prosecution's own case, two of the accused persons were allegedly armed with deadly weapons, namely Kalashnikovs. Yet, despite such alleged possession, no firearm was used in the commission of the offence. This circumstance also appears to be inconsistent with the normal course of human conduct and further renders the prosecution story doubtful, requiring deeper examination during the trial.

5. At this stage, by making only a tentative assessment of the material available on record, I am of the view that the applicant has succeeded in making out a case for the confirmation of pre-arrest bail.

6. Accordingly, the bail application stands allowed. Consequently, the interim pre-arrest bail granted by this Court vide order dated 22.07.2025 is hereby confirmed on the same terms and conditions.

7. 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**