

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Ist CrI. Bail Appln. No.S-232 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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- 1. For orders on office objection 'A'.
- 2. For hearing of bail application.

10.08.2026

M/s Athar Abbas Solangi & Muthar Abbas Solangi, advocates for the applicant.

Mr. Pervaizul Qadir Memon, advocates files his Vakalatnama on behalf of complainant, taken on record.

Mr. Aitbar Ali Bullo, D. P. G.

ORDER.

RIAZAT ALI SAHAR, J- Through the instant bail application, the applicant, Khalid Ali son of Innayatullah Thebo, seeks his release on post-arrest bail in Crime No.135 of 2026, registered at Police Station Mehar, for offences punishable under Sections 302, 324, 114, 337-H(ii), 148 and 149, PPC, after rejection of his bail plea by the learned 2nd Additional Sessions Judge, Mehar, vide order dated 05.05.2026.

2. The facts of the prosecution case, as set out in the FIR, are that on 09.04.2026 at about 2330 hours, the complainant, Abdul Rehman, appeared at the Police Station and lodged the FIR, stating that he resides at the address mentioned therein and that his grandfather, Innayatullah Thebo, owns landed property at different places in village Ghari. His uncle, Khalid Ali Thebo, allegedly had a dispute with his father and grandfather over taking the crops from the said lands. Innayatullah Thebo had been residing in London and had returned to Pakistan a few days prior to the occurrence in order to settle the dispute between his two sons.

3. It is alleged that on 09.04.2026, the complainant, his father, Dr. Tarique Ali Thebo, and his grandfather, Innayatullah Thebo, came to their residence situated in village Ghari. Accused Khalid Hussain Thebo and his private Munshi, Tarique Meer, armed with a repeater; Nazeer Jalbani, armed with a repeater; Sarfraz Gogani, armed with a K.K.; and Allahdad Brohi, armed with a rifle, were allegedly present there along with the applicant, Khalid Ali Thebo. At about 06:00 p.m., when the complainant party arrived, the applicant allegedly closed the door of the house and instigated the co-accused to take Dr. Tarique and kill him by strangulation. On his instigation, the co-accused allegedly took a rope lying in the room and forcibly wrapped it around the neck of Dr. Tarique, who tried to save himself.

4. It is further alleged that the applicant again instigated the co-accused to kill Dr. Tarique with firearms, whereupon accused Tarique Meer Thebo fired a shot from his repeater at Dr. Tarique with the intention to commit his murder, which hit him on his left leg. He raised cries and fell down. Accused Nazeer Jalbani allegedly fired a shot from his repeater at the complainant's grandfather, Innayatullah Thebo, which hit him on his right leg below the knee, whereupon he also fell down. Accused Allahdad Brohi allegedly fired a shot from his rifle at the complainant with the intention to commit his murder, which hit him on the left calf muscle ("Pini"). The complainant also raised cries and fell down. Thereafter, all the accused allegedly made aerial firing and fled from the place of occurrence.

5. The complainant thereafter took his father and grandfather towards Mehar Hospital; however, on the way, his father, Dr. Tarique Ali Thebo, succumbed to his firearm injuries. They proceeded to Civil Hospital, Mehar, along with the dead body, where the police arrived and issued letters to the complainant and his grandfather for their medical examination. After

the postmortem examination, the dead body of the deceased was handed over to the family for funeral rites. After completion of the funeral ceremony, the complainant appeared at the Police Station and lodged the FIR.

6. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the case with *mala fide* intention and ulterior motives. He contended that there is a delay of about five hours in lodging the FIR, for which no plausible explanation has been furnished; that the applicant is shown in the FIR to be empty-handed and no overt act has been attributed to him, except the allegation of instigation; that the contents of the FIR themselves disclose an existing dispute between the parties over landed property, hence the possibility of false implication of the applicant cannot be ruled out. Learned counsel further contended that although a precious life has been lost, the circumstances narrated in the FIR create doubt regarding the manner of occurrence, particularly when all the injuries allegedly sustained by the deceased were on his leg. It was further argued that nothing incriminating has been recovered from the possession of the applicant; that all the prosecution witnesses are closely related and interested witnesses, whose testimony requires independent corroboration; and that the alleged occurrence took place inside the house, yet no independent witness has been cited. In support of his contentions, learned counsel relied upon *Bilawal v. The State* (2022 YLR Note 26), *Haji Muhammad Siddique v. The State* (2023 P.Cr.L.J Note 21) and *Abdul Khalique v. The State* (2023 P.Cr.L.J 323). He, therefore, prayed that the applicant may be admitted to bail.

7. Conversely, learned D.P.G., appearing for the State and assisted by learned counsel for the complainant, vehemently opposed the grant of bail on the ground that the applicant is specifically nominated in the FIR and a clear role of instigation has been attributed to him. It is contended that on his

instigation, accused Tariq Meer Thebo fired a shot from his repeater at Dr. Tariq Ali Thebo with the intention to commit his murder, which hit him on the lateral side of his right leg, while accused Allahdad Brohi fired from his rifle at the complainant with the intention to commit his murder, which hit him on the calf of his leg. It was, therefore, argued that the applicant is not entitled to the concession of bail. In support of his submissions, learned counsel for the complainant relied upon *Tariq Bashir and 5 others v. The State* (PLD 1995 Supreme Court 34), *Gulshan Ali Solangi and others v. The State* (2020 SCMR 249), *Bilal Khan v. The State* (2020 SCMR 937), *Shoukat v. The State* (2010 MLD 1137) and *Abdul Majeed v. The State and another* (2013 P.Cr.L.J 1234).

8. Heard learned counsel for the applicant, learned D.P.G. for the State and learned counsel for the complainant and perused the material available on record with their assistance.

9. Admittedly, the name of the applicant appears in the FIR; however, no specific overt act has been attributed to him. The only allegation against him is that he instigated the co-accused, namely Tariq Meer Thebo and Allahdad Brohi, who allegedly fired from their respective weapons at the deceased and the complainant. It is significant that, according to the FIR itself, the applicant was present at the place of occurrence but was empty-handed. It is further alleged that a dispute over landed property already existed between the parties. In the backdrop of such admitted previous enmity, the possibility of the applicant's implication after deliberation and consultation cannot be ruled out at this stage.

10. The role attributed to the applicant is confined to instigation and mere presence at the place of occurrence, without any allegation that he himself caused an injury either to the deceased or to the complainant. The question as to whether such alleged instigation attracts vicarious liability, and

whether the requisite common object or shared intention is established against the applicant, are matters which require determination by the learned Trial Court after recording and appreciating the evidence. At this stage, therefore, the precise extent of the applicant's liability cannot safely be determined merely on the basis of the allegations contained in the FIR.

11. In these circumstances, without touching the merits of the prosecution case, the case of the applicant calls for further inquiry within the meaning of sub-section (2) of Section 497, Cr.P.C.

12. Accordingly, the instant bail application is allowed. The applicant/accused is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.200,000/- (Rupees two hundred thousand) and P.R. bond in the like amount to the satisfaction of the learned Trial Court and passport of the applicant shall be deposited before trial Court. The name of the applicant shall remain on the Exit Control List (ECL) till conclusion of the trial, and no fresh passport shall be issued to him during the said period.

13. The case law relied upon by learned counsel for the complainant, being distinguishable on facts and circumstances, does not advance the case of the complainant and, therefore, is of no assistance to him.

14. Needless to observe that the observations made hereinabove are tentative in nature and shall not prejudice the case of either party at the trial.

15. Before parting with this order, keeping in view the nature of the offence and in order to ensure expeditious adjudication of the matter, the learned Trial Court is directed to proceed with the trial on a priority basis and shall avoid granting unnecessary adjournments to either side. The learned Trial Court shall make every endeavour to conclude the trial, preferably, within a period of three months from the date of receipt of this order.

16. The SSP, Dadu, is directed to ensure the attendance and production of all prosecution witnesses before the learned Trial Court on each and every date fixed for recording of prosecution evidence, without any lame excuse or avoidable delay. A copy of this order shall be transmitted to the Chairman NADRA, DG passport, Islamabad and SSP, Dadu, for information and strict compliance

17. Needless to mention here that the observations made herein-above are tentative in nature, which shall not prejudice the case of either party at trial.

Judge

M.Yousuf Panhwar/**