

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Bail Application No.S-1213 of 2025.

[Latif Khan Behan vs. The State]

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Criminal Bail Application No.S-38 of 2026

[Manzoor Ali @ Mujan Behan and others vs. The State]

13.04.2026.

Mr. Sabir Hussain Abbasi, Advocate for Applicants.

Mr. Muhammad Iqbal Memon, Advocate for the complainant.

Mr. Muhammad Raza Katohar, Deputy Prosecutor General.

ORDER

Ali Haider 'Ada' I.- By this single order, both the above-captioned bail applications are being disposed of. Bail Application No. S-1213 of 2025 pertains to post-arrest bail arising out of FIR No. 17 of 2025, filed by applicant Latif Khan, whereas Bail Application No. S-38 of 2026 relates to pre-arrest bail in the same crime, filed by applicants/accused Manzoor Ali @ Mujan, Altaf Hussain, and Ghulam Hussain.

2. The record reflects that prior to approaching this Court, the applicants had sought similar relief before the learned trial Court; however, their applications were declined vide orders dated 27.10.2025 and 6.01.2026.

3. Briefly stated, the prosecution case is that on 02.07.2025, the present applicants, along with other co-accused, being armed with T.T pistols, allegedly made straight firing upon the father of the complainant, namely Ahmed Nawaz, who sustained multiple firearm injuries on different parts of his body and subsequently succumbed to the same. The incident was reported through FIR on 03.07.2025.

4. Learned counsel for the applicants contends that there exists a discrepancy regarding the issuance date of the medical documents,

inasmuch as the post-mortem report was issued on 16.07.2025. It is further argued that there is an unexplained delay of one day in lodging the FIR. Learned counsel also submits that a co-accused, namely Sache Dino, attributed with a similar role, has already been granted post-arrest bail by this Court. In support of his contentions, reliance is placed upon reported judgments cited as 2025 SCMR 1145, 2017 SCMR 709, 2017 SCMR 142, and PLD 1977 SC 557.

5. Conversely, learned counsel for the complainant opposed the applications and argued that the deceased sustained as many as six firearm injuries, which clearly indicates the brutal nature of the occurrence and the active participation of the present applicants. It is further contended that the role of co-accused Sache Dino is distinguishable from that of the present applicants. Regarding the alleged delay in the post-mortem report, it was submitted that the post-mortem examination of the dead body was conducted promptly on the date of the incident, and mere delay in the issuance of the report is inconsequential. Learned counsel further referred to the Danishnama prepared by the police and submitted that the same, coupled with the medical evidence, is in complete accord with the ocular account. It is also argued that in the case of applicant Latif Khan, the T.T pistol was recovered, and crime empties secured from the place of the incident were sent for forensic analysis, thereby establishing a complete chain of incriminating circumstances. It is thus contended that the applicants are specifically nominated with active roles and are not entitled to the concession of bail.

6. Learned Deputy Prosecutor General, while adopting the arguments advanced by the complainant's counsel, submits that specific and direct allegations have been levelled against the applicants, and there is no apparent malice or ulterior motive on the part of the complainant. He further emphasized that the relief of pre-arrest bail is an extraordinary concession, which cannot be claimed as a matter of right, particularly in cases involving heinous

offences. He, therefore, prayed for dismissal of both bail applications.

7. Heard, learned counsel for the parties at considerable length, and have perused the material available on record.

8. From the very face of the record, the present applicants are specifically nominated in the FIR with direct and active roles. The allegation against them is that they committed the murder by causing firearm injuries to the deceased, who succumbed to such injuries. The circumstantial evidence collected during the investigation also supports the prosecution's case against the applicants. In the absence of any mala fide on the part of the complainant to falsely implicate the applicants, and where nothing has been brought on record to suggest any ulterior motive, the concession of post-arrest as well as pre-arrest bail is not attracted. Moreover, the essential ingredients for the grant of pre-arrest bail are also lacking in the present case. The grounds urged by the learned counsel for the applicants, therefore, do not advance their case. Reliance is placed upon the case of **Zahid alias Zahid Hussain Jatoi vs. The State (2026 YLR 220)**.

9. It is a settled principle of law that any conflict between medical and ocular evidence, unless it goes to the root of the prosecution case with regard to the seat of injury or any material aspect, cannot be made basis for grant of bail. A mere discrepancy in the date of issuance of the post-mortem report does not constitute a material contradiction. The Honourable Supreme Court of Pakistan in the case of **Suhail Waqar vs. The State and others (2017 SCMR 325)** has held that such conflicts require deeper appreciation of evidence, which is not permissible at the bail stage.

10. Adverting to the principles governing the grant of pre-arrest bail, it is by now well settled that such relief is extraordinary in nature and is to be granted only in extraordinary circumstances for

the protection of an innocent person from mala fide or ulterior motives. It cannot be used as a substitute for post-arrest bail. Furthermore, where the case does not fall within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C., the concession of bail cannot be extended. In this regard, reliance is placed upon **Muhammad Arshad vs. Muhammad Rafique (PLD 2009 SC 427)**.

11. As regards the delay in registration of the FIR, though it has been argued by the learned counsel for the applicants, the same stands reasonably explained by the prosecution, as the complainant party first shifted the injured to the hospital from their village (Goth) to Taluka Moro and thereafter attended the funeral rites. The record further reflects that the police promptly reached the place of occurrence and the dead body was subjected to post-mortem examination without undue delay. Thus, mere delay, in the absence of any other suspicious circumstance, is not sufficient to create doubt at this stage. Reliance is placed upon **Ghazi Arab vs. The State (2015 SCMR 1967)**.

12. It is also a settled proposition that where there are reasonable grounds to believe that the accused has committed an offence punishable with death or imprisonment for life, the case squarely falls within the prohibitory clause of Section 497, Cr.P.C, the grant of bail is barred. Reference in this regard may be made to **Sher Muhammad vs. The State (2008 SCMR 1451)** and **Shoukat Ilahi vs. Javed Iqbal and others (2010 SCMR 966)**. Upon tentative assessment of the available material, the case of the applicants does not fall within the ambit of further inquiry. In similar circumstances, the Honourable Supreme Court of Pakistan has declined bail in the cases of **Bakhti Rehman vs. The State (2023 SCMR 1068)** and **Muhammad Atif vs. The State (2024 SCMR 1071)**.

13. The applicants have also failed to demonstrate that the learned trial Court exercised its discretion arbitrarily or capriciously

while rejecting their bail applications. It is a well-recognized principle that each criminal case is to be decided on its own peculiar facts and circumstances. The role attributed to co-accused Sache Dino is distinguishable; therefore, the principle of consistency is not attracted, and the case of the present applicants requires independent consideration. In this regard, reliance is placed upon **Muhammad Faiz alias Bhoora vs. The State (2015 SCMR 655)**.

14. Moreover, the statements of prosecution witnesses prima facie support the version of the complainant. The medical evidence is in corroboration of the ocular account. The recovery of crime empties from the place of occurrence and the recovery of the pistol from the possession of applicant Latif Khan further provide reasonable grounds to believe that the applicant is connected with the commission of the offence. On such tentative assessment, the case of the prosecution appears to be supported by sufficient material. Guidance in this regard may be sought from **Itbar Muhammad vs. The State and others (2024 SCMR 1576)**, **Allah Dewayo Shahani vs. The State (2023 SCMR 1724)**, **Rashid Ramzan vs. The State and others (2022 SCMR 2111)**, and **Abu Bakar Siddiqui vs. The State (2021 SCMR 05)**.

15. Keeping in view the foregoing facts and circumstances, the applicants are not entitled to the concession of pre-arrest or post-arrest bail, as no case for such relief has been made out. Consequently, the above-captioned bail applications filed by the present applicants are hereby dismissed. The interim order dated 13.01.2026, passed in Bail Application No. S-38 of 2026 is hereby recalled.

JUDGE