

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

*Criminal Bail Application No.S-1048 of 2025.
[Muhammad Jurial Mashori vs. The State]*

*Before:-
Mr. Justice Ali Haider 'Ada'.*

13.04.2026.

Mr. Abdul Karim Luhrani, Advocate for the applicant.
Mr. Zulfiqar Ali Panhwar, Advocate for the complainant.
Mr. Muhammad Raza Katohar, Deputy Prosecutor
General.

ORDER

Ali Haider 'Ada' J.- Through the instant bail application, the applicant seeks post-arrest bail in Crime No. 64 of 2024, registered at P.S. Mithani, for offences punishable under Sections 302, 337-H(2), 148, 149, 109, and 114 PPC. It is pertinent to mention that an earlier bail application filed by the applicant was dismissed by the learned trial Court vide order dated 13.03.2025.

2. Briefly stated, the prosecution case is that on 09.09.2024, the present applicant, along with co-accused, allegedly inflicted firearm injuries upon the deceased, namely Muhammad Ramzan, who succumbed to the injuries. The motive as disclosed in the FIR is that the deceased had divorced his wife, Mst. Hafeezan, due to which her relatives, including the present applicant, allegedly developed a grudge and committed the murder. The incident was reported promptly, and after completion of investigation, the police submitted the challan; the case is presently sub judice before the trial Court.

3. Learned counsel for the applicant contends that the applicant, Muhammad Jurial, being brother of Mst. Hafeezan, has been falsely implicated due to ulterior motives. It is argued that a cross-version exists, as the daughter of the deceased, namely Mst. Safia, filed a direct complaint against the complainant party after dismissal of her

application under Sections 22-A & 22-B Cr.P.C, which reflects that the prosecution story is doubtful and requires further inquiry. Reliance has been placed upon judgments reported as 2022 SCMR 547, PLD 2009 SC 58, 2024 SCMR 1605, and 2020 SCMR 871.

4. Conversely, learned counsel for the complainant has opposed the application by submitting that no genuine cross-version exists. It is argued that Mst. Safia is residing with her mother, Mst. Hafeezan (divorced wife of the deceased), and her complaint has been concocted to shield the real culprits, who are relatives of Mst. Hafeezan. It is further contended that the matter requires deeper appreciation of evidence, which cannot be undertaken at bail stage. Reliance has been placed upon 2023 SCMR 1724.

5. Learned Deputy Prosecutor General has also opposed the bail application, contending that the applicant is specifically nominated in the FIR with an active and direct role in the commission of the offence. It is further submitted that the alleged weapon has been recovered from the possession of the applicant, and the offence falls within the prohibitory clause, thus disentitling the applicant from concession of bail.

6. Heard learned counsel for the parties and perused the record with their assistance.

7. It is a settled principle of law that each case is to be decided on its own peculiar facts and circumstances. Tentative assessment of the material available on record reveals that the present applicant has been specifically nominated in the FIR with a direct and active role in causing firearm injuries to the deceased. The offence alleged falls within the prohibitory clause, entailing punishment of death or imprisonment for life; thus, the case requires the existence of reasonable grounds to believe that the applicant is guilty of the offence charged. In this regard, reliance is placed upon the cases of

Sher Muhammad vs. The State (2008 SCMR 1451) and Shoukat Ilahi vs. Javed Iqbal and others (2010 SCMR 966).

8. Furthermore, the applicant has failed to demonstrate that the learned trial Court exercised its discretion arbitrarily or capriciously while dismissing the earlier bail application. It is well-settled that unless such arbitrariness or illegality is shown, the order of the trial Court does not call for interference. Guidance is drawn from *Muhammad Faiz alias Bhoora vs. The State (2015 SCMR 655)*.

9. As regards the plea of cross-version, it is observed that the complaint filed by Mst. Safia prima facie appears that she is residing with her mother, who had strained relations with the deceased. The veracity and evidentiary value of such a claim require deeper appreciation, which can only be undertaken during trial. Moreover, the Hon'ble Supreme Court of Pakistan in *Yar Muhammad Khan vs. The State (2024 SCMR 1738)* has held that mere existence of a counter-version is not sufficient to grant post-arrest bail. Likewise, in *Ahmed Ali vs. The State (PLD 2024 SC 969)*, it has been held that the grant of bail in cross-cases depends upon the peculiar facts and circumstances of each case. Furthermore, in *Rashid Ramzan vs. The State (2022 SCMR 2111)*, it has been observed that where the accused is neither specifically attributed a role in the cross-version nor claims right of private defence, no benefit can be extended.

10. In the present case, the applicant has not been shown to have been present at the spot in the cross-version, nor has any plea of private defence been raised; therefore, no advantage can be derived from the said plea.

11. Upon tentative assessment, the case of the applicant does not fall within the ambit of "further inquiry" as contemplated under Section 497(2) Cr.P.C. The Hon'ble Supreme Court in a series of judgments, including *Bakhti Rehman vs. The State (2023 SCMR 1068)*, *Muhammad Atif vs. The State (2024 SCMR 1071)*, *Itbar*

Muhammad vs. The State (2024 SCMR 1576), Allah Dewayo Shahani vs. The State (2023 SCMR 1724), Rashid Ramzan vs. The State (2022 SCMR 2111), and Abu Bakar Siddiqui vs. The State (2021 SCMR 05), has consistently held that where reasonable grounds exist connecting the accused with the commission of a heinous offence, bail is to be declined.

12. For the foregoing reasons, the applicant has failed to make out a case for the grant of post-arrest bail. Consequently, the instant bail application is hereby dismissed.

J U D G E