

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Bail Application No. S-377 of 2026

Applicant	:	Nadeem son of Abdul Hameed Shaikh, through Mr. Muhammad Usman Tagar, Advocate
The State	:	Through Mr. Aitbar Ali Bullo, Deputy Prosecutor General, Sindh
Complainant	:	Through Mr. Abdul Rehman A. Bhutto, Advocate
Date of Hearing	:	21-09-2026
Date of Order	:	21-09-2026

ORDER

RIAZAT ALI SAHAR, J.- Through the instant bail application, applicant Nadeem son of Abdul Hameed Shaikh seeks pre-arrest bail in Crime No.109 of 2026 registered at Police Station Nasirabad, District Kamber-Shahdadkot @ Kamber, for offence punishable under Sections 322 and 34, P.P.C.

2. Briefly, the prosecution case is that on 16.06.2026 at about 09:00 p.m., complainant Ashique son of Ali Bux lodged the FIR alleging therein that his niece Mst. Bhagul @ Gudi, aged about 23/24 years, was married to one Shoukat Ali Shaikh about four years ago and had one daughter from him. Her husband died about two years ago and thereafter she was residing with her minor daughter at the house of the complainant. It is alleged that about few months prior to the incident, one Mehar Ali had demanded the hand of Mst. Bhagul @ Gudi in marriage, which was refused by the complainant party. On 15.06.2026, the accused persons, including the present applicant, allegedly came to the house of the complainant and put force upon Mst. Bhagul @ Gudi to accept the proposal of marriage with accused Mehar Ali. After the accused persons left, Mst. Bhagul @ Gudi stated that she would never marry accused Mehar Ali and at about 03:00 p.m. she allegedly took poison and became

unconscious. She was taken to Government Hospital, Larkana, where she died during treatment at about 06:00 p.m. Thereafter, the complainant took the dead body to RHC Nasirabad and subsequently lodged the FIR.

3. Learned counsel for the applicant submits that the allegations levelled upon the applicant/accused are false, concocted and malafide. He submits that the legal position of Section 322, P.P.C. is that there is no physical punishment or sentence provided therein and only Diyat has been prescribed, therefore, the offence does not fall within the prohibitory clause of Section 497, Cr.P.C. He further submits that the applicant has falsely been implicated due to previous enmity between the parties.

4. Learned Deputy P.G., Sindh formally opposes the bail application, however, admits the legal position of Section 322, P.P.C., which provides only Diyat and no physical punishment.

5. Learned counsel for the complainant submits that they do not support the narration mentioned in the FIR and submits that the FIR has been lodged by the police officials on account of their own wish and that an application with regard to further statement has been filed.

6. It is further noted that the applicant had earlier moved pre-arrest bail application No.888 of 2026 before the Court of Sessions, which subsequently was transferred to learned 1st Additional Sessions Judge/MCTC, Kamber, which was dismissed vide order dated 13.07.2026.

7. I have heard learned counsel for the parties and perused the material available on record.

8. From the tentative assessment of the available material, it appears that the offence alleged against the applicant under Section 322, P.P.C. is punishable with Diyat only and no physical punishment has been provided under the said provision. Moreover, the complainant does not support the narration mentioned in the FIR and submits that the FIR was lodged by the police officials on their own, whereas an application with regard to further statement has also been filed. The aforesaid circumstances, particularly the

stand taken by the complainant himself, require further inquiry and probe into the matter.

9. In view of the above, learned counsel for the applicant has made out a case for grant of pre-arrest bail. Resultantly, the instant bail application is allowed and the interim pre-arrest bail granted to the applicant on 07.08.2026 is hereby confirmed on the same terms and conditions.

10. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant on merits.

JUDGE

Zulfiqar