

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl. Bail Application No.S-764 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicants: Ghulam Nabi S/O Rab Nawaz Leghari
Through M/S Shabbir Ali Bozdar, Syed Hajjan Shah & Aaraf Soomro Advocate(s).

Complainant: Islam S/O Mevo Khan Mahar,
Through Mr.Anwar Ali Lohar, Advocate.

The State: Through **Mr. Muhammad Raza Katohar, D.PG.**

Date of hearing & order: **22.10.2026.**

Suresh Kumar J:- Through instant Criminal Bail Application, the applicant/accused Ghulam Nabi Laghari seeks his post arrest bail in Crime No.159/2025, offences U/Ss 302, 324,114,148,149,337-H(ii) PPC registered at Police station Daharki District Ghotki.

2. The crux of the prosecution's case, as depicted in the FIR, is that the applicant/accused, along with co-accused Shah Nawaz and others, duly armed with deadly weapons, came to the place of occurrence where, on the instigation of accused Farooque, the other accused fired upon the complainant party. As a result, the shots fired by accused Shah Nawaz and Ali Gul struck the deceased, Qutubuddin, who expired on the spot, while the shots fired by the applicant/accused from his pistol hit PW Khuddad on the left side of his chest and the left toe of his hand. Thereafter, the accused fled the scene, and the complainant appeared at the police station, where he lodged the FIR.

3. The applicant/accused initially approached before the Court of Sessions Judge, Khairpur, for grant of pre-arrest bail which was dismissed by learned Addl. Sessions Judge- Daharki vide order dated 22.07.2026. Being aggrieved by this dismissal order, the applicant/accused has approached this Court.

4. I have heard learned counsel for applicant, and learned D.P.G Sindh assisted by advocate for complainant. Learned D.P.G, and learned advocate for complainant have strongly opposed the grant of bail to the applicant/accused. The learned counsel for applicant/accused has relied upon the case **Wajid Ali v.The State (2017 SCMR 116)** and **Manzoor Hussain v. The State (2011 SCMR 902)**. The learned counsel for complainant relied upon the case of **Zahoor Khan v. Akhtar Muhammad and another (2020 SCMR 993)** and **Mumtaz v. The State (2012 SCMR-556)**.

5. Having given due consideration to the arguments advanced by the parties' counsel and having perused the material available on record, it is revealed from the perusal of the FIR that the applicant/accused has allegedly caused firearm injuries to PW Khudadad, and such injuries have been declared Ghayr Jaifah Damiah and Ghayr Jaifah Hashimah, which fall under Sections 337-F(iii) and 337-F(i) of the PPC, carrying a punishment of up to five years. These injuries do not fall within the ambit of the prohibitory clause of Section 497(1) of the Cr.P.C. Since the applicant/accused is not attributed with the role of causing injuries to the deceased, Qutubuddin, but has allegedly caused injuries to the injured Khudadad, the question of whether the applicant/accused shared a common object in the commission of murder can only be determined after the evidence in the matter is on record. In the similar circumstance the Honourable Supreme Court in the case of **Wajid Ali v.The State (2017 SCMR 116)** has held as follows:

“....S.497---penal Code (XIV of 1860_. Ss.302,324,1248 & 149 ---Qatl-i-Amd attempt to commit qatl-i-amd rioting armed with deadly weapons, unlawful assembly---Bail, grant of ----The accused was alleged to have fired at the injured complainant, while the co accused was specifically alleged to have fired at the deceased---The plea on behalf of the complainant was the the accused was not entitled to bail as the accused and co-accused had the common intention to commit murder of the deceased---Validity---From the contents of FIR, it could not be outrightly said that thee was a common intention between the

accused and co accused to commit murder ----Prima facie, the reasons that provoked the incident was the repairing of a common wall----The question as to whether there was common intention between the accused and co accused to commit murder could only be determined after the evidence in the matter is on record. The injury allegedly caused to the complainant by the accused was reported to be 'ghair jaifa'---- the accused could not be kept behind bars for an indefinite period----The accused was admitted to post arrest bail accordingly”.

6. The Honourable Supreme Court of Pakistan, in the case of **Manzoor Hussain v. The State (2011 SCMR 902)**, has held that bail cannot be refused on the basis of vicarious liability unless positive evidence shows the involvement of the accused. In the present case, the accused has not been assigned any role in causing injury to the deceased, and the refusal of bail on the ground of vicarious liability requires clear positive evidence of participation in the crime, specifically the role of causing injury to the deceased. In the absence of such evidence, the case against the applicant/accused falls within the ambit of further inquiry as envisaged under Section 497(2) of the Cr.P.C.

7. With due respect and regard to the case law referred by learned counsel for complainant but said case law are quite distinguishable to the facts and circumstances of present case, therefore, the same are not applicable in this case.

8. For the reasons given above and guidance taken from the case law, I am of the considered view that the applicant/accused has made out a case for grant of bail on the ground of further inquiry. Therefore, he is admitted to bail after arrest on furnishing solvent surety in the sum of Rs.200,000/- (Two lacs) each and PR bond in the like amount to the satisfaction of learned trial Court.

9. Needless to say that the above observations are tentative in nature and will not prejudice the case of either party at the time of trial.

JUDGE

Hizbullah/PA.