

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 921 of 2026

Applicants: 1. Abdul Ghaffar son of Punhal,
2. Sajid,
3. Sajjad Hussain, both sons of Jamaluddin
4. Pehlwan son of Muhammad Ameen
Through Mr. Riaz Hussain Malik, Advocate.

Complainant : Luqman son of Sobhdar present in person.

The State **Through** Mr. Muhammad Raza Katohar,
Deputy Prosecutor General, Sindh.

ORDER. **22.10.2026.**

Suresh Kumar, J.--- The applicant named above seeks confirmation of the ad-interim pre-arrest bail granted to him by this Court via order dated 17.09.2026, in a case bearing Crime No. 58/2025, for offences under Sections 302, 324, 337-A(i), 337-F(i), 365, 511, 337-F(vi), 337-H(ii), 148, and 149 of the Pakistan Penal Code (PPC), registered at Police Station Dad Leghari, District Ghotki.

2. The brief facts of the case, as depicted in the FIR, are that there is matrimonial enmity between the complainant party and the accused. Prior to this FIR, No. 38/2025 was registered at Police Station Yaro Lund regarding the alleged abduction of a woman from the complainant's side. On 04.10.2025, at 2:30 a.m., the accused abducted Mst. Naseeman, who was later recovered from Karyo Dost Muhammad. The accused persons opened fire, resulting in Ali Asghar sustaining firearm injuries, who subsequently succumbed to his injuries, while Abdul Jabbar and Qamaruddin also sustained injuries. The present FIR was registered against the accused persons by the complainant.

3. I have heard the learned counsel appearing on behalf of the applicant/accused and learned DPG for State. Learned DPG opposed for confirmation of interim pre-arrest bail.

4. Having given due consideration to the arguments advanced by the counsel for the respective parties and having perused the relevant material, it is observed that from the perusal of the FIR, it reveals that the applicants/accused are not nominated in the FIR; rather, they have been implicated in a further statement recorded three days after the FIR. No specific role is assigned to the unknown accused, and the further statement does not disclose the role of the present applicants. Hence, the case against the applicants/accused calls for further inquiry. Moreover, there is a delay of three days in the registration of the FIR and an additional three-day delay in the further statement, which casts doubt on the involvement of the accused. The unexplained delay in the nomination of the accused raises questions about the involvement of the applicants/accused in the commission of the offence. Furthermore, the matrimonial enmity between the applicants/accused and the complainant party is admitted, while the present accused are relatives of the nominated accused; therefore, mala fide on the part of the complainant cannot be ruled out. It is well-settled law that bail cannot be refused merely on the technical ground of the absence of mala fide if, otherwise, the applicant/accused has made out a case for bail after arrest on merit. In this regard, reliance is placed upon the case of Muhammad Ramzan versus Zafarullah (1996 SCMR 1380). Even otherwise, the applicants/accused have not misused the concession of interim bail granted by this Court.

5. For the foregoing reasons above and guidance taken from above case laws , I am of considered view that the applicants/accused have successfully made out a case for the grant of pre-arrest bail, therefore, the interim pre arrest bail already granted to the applicants, is hereby confirmed on same terms and conditions with direction to appear before trial Court.

6. Needless to mention that the above observations are tentative in nature and will not prejudice the case of parties at the time of trial.

J U D G E

Irfan