IN THE HIGH COURT OF SINDH AT KARACHI

Cr. Bail Application No.2015 of 2026

Applicant	:	Sikander Lashari son of Zulfiqar *Through* Mr. Waqar Ali Mallah, Advocate.
Respondent	:	The State *Through* Mr. Muhammad Mohsin Mangi, Assistant Prosecutor General Sindh.
Date of hearing	:	03.11.2026
Date of judgment	:	12.11.2026

O R D E R

KHALID HUSSAIN SHAHANI, J. **-** Applicant Sikandar Lashari seeks post-arrest bail in a case bearing Crime No.290/2025, registered at Police Station Memon Goth, Karachi, for offence under sections 302/34, PPC. His second application for the same relief was dismissed by the learned III-Additional Sessions Judge, Malir, Karachi, on 04.06.2026.

2. The prosecution case originated from a report lodged by Muhammad Zafar concerning the firearm deaths of three members of the transgender community, namely Alex Riyasat, Muhammad Jiyal and a third person initially unidentified, whose bodies were found near the Super Highway. The FIR implicated unknown persons. During investigation, the applicant, Sikandar Ali Jamali and Sohail were arrested. Their alleged disclosures attributed the firing to absconding accused Ameer Ali Shah during an attempted robbery. The prosecution principally relies upon these disclosures, recovery of a 9mm pistol on joint pointation, its positive ballistic comparison with two crime empties, and the account conveyed by Sohail through an interpreter.

3. Learned counsel for the applicant assailed his subsequent implication, submitting that no eyewitness had identified him; the custodial disclosures were inadmissible beyond their permissible statutory scope; and the joint recovery, effected more than a month after the occurrence from bushes near an already inspected scene, did not independently establish his participation. He further relied upon the supplementary DNA report excluding the applicant as a contributor to the specified profiles. The learned Deputy Prosecutor General opposed bail on the strength of the disclosures, recovery and corroborative ballistic opinion.

4. Having heard learned counsel and examined the record, it appears that the accusation undoubtedly attracts the prohibitory clause of section 497(1), Cr.P.C.; nevertheless, its gravity cannot substitute the requisite reasonable grounds connecting the particular accused with its commission. The restraint against deeper appreciation, recognized in 2010 SCMR 1735[1], does not dispense with a tentative examination of the legal character and incriminating reach of the material relied upon.

5. The applicant's non-nomination in the FIR is not independently determinative, the complainant admittedly being no eyewitness. His subsequent implication must, however, rest upon material furnishing a reasonably dependable nexus with the occurrence. The confessional narrative attributed to persons interrogated in police custody cannot be received indiscriminately. Articles 38 and 39 of the Qanun-e-Shahadat Order, 1984, govern its admissibility, while Article 40 permits proof only of so much information as distinctly relates to the fact thereby discovered. A subsequent discovery does not render the entire preceding account of robbery and murder admissible. The distinction between information leading to discovery and recovery simpliciter was explained in 2024 SCMR 1773[2].

6. The recovery of pistol No.P13580AM on 24.10.2025, allegedly upon joint pointation, is a relevant circumstance whose evidentiary value cannot presently be discarded. Its individual attribution nevertheless requires examination: the firearm was recovered from bushes about fifty meters from the scene, while its possession and use were attributed to Ameer Ali Shah. The interval preceding recovery and the earlier inspections of the locality do not conclusively discredit it, but require consideration alongside the precise disclosure, concealment and knowledge attributable to each accused. Knowledge of the firearm's location does not, without an adequate connecting circumstance, necessarily establish participation in the murders.

7. The firearms report dated 04.11.2025 establishes, prima facie, that the recovered pistol was functional and had fired crime empties C1 and C2. It connects the weapon with the occurrence; it does not identify its user or independently establish the applicant's common intention. Moreover, the report refers to the crime empties under an earlier laboratory reference, FA/5016/2025. The defence contention that they were first transmitted

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[1] *Asif Ayub v. The State*
[2] *Zafar Ali Abbasi and another v. Zafar Ali Abbasi and others*

after recovery of the pistol cannot, therefore, be accepted merely from the date of the subsequent comparison. The custody and transmission record remains a matter for proof. This conclusion does not proceed upon rejection of the ballistic opinion.

8. The interpreter Akash Kumar's statement dated 23.10.2025 supplies no unequivocal identification of the applicant. The interpreter did not witness the occurrence and merely conveyed the account communicated by Sohail through signs, which included reference to persons not known to Sohail. Its present deficiency concerns the identifying connection with the applicant; no adverse inference arises from Sohail's hearing or speech disability. The accuracy of interpretation and the substantive account remain matters for trial.

9. The supplementary DNA report dated 10.11.2025 identifies the applicant's reference sample as S3 and excludes him as a possible contributor to the specified profiles recovered from biological material and associated articles. Such exclusion neither conclusively disproves presence nor rules out participation without detectable biological transfer. It nonetheless supplies no scientific corroboration of his involvement and assumes relevance where the remaining connection substantially rests upon custodial disclosures and a joint discovery. Conversely, the medical evidence and crime-scene material substantiate the homicidal deaths without identifying the applicant as a perpetrator. No particularized call-data, location evidence or extracted communication connecting him with the occurrence has been demonstrated in the material placed before the Court.

10. Section 34, PPC, does not require every participant to inflict a fatal injury; it does require a sufficient basis for attributing participation and common intention. Those elements cannot presently be presumed from the alleged association alone. Nor does absence of established enmity cure a deficiency in the prosecution's connecting material. The applicant's allegations of bribery and deliberate implication are likewise not accepted as proved.

11. The cumulative effect of these circumstances raises substantial questions concerning identification, the permissible scope of the disclosures, individual attribution of the discovery, and participation with common intention. The positive ballistic opinion has been weighed, but its connection with the firearm does not resolve those questions against this applicant. The impugned order did not sufficiently distinguish these

separate evidentiary propositions. His case consequently falls within the ambit of further inquiry under Section 497(2), Cr.P.C.

12. The application is accordingly allowed. Applicant Sikander Lashari son of Zulfiqar shall be released on post-arrest bail upon furnishing solvent surety of Rs.500,000/- and a personal bond in the like amount to the satisfaction of the learned trial Court. These observations are tentative and shall not prejudice the independent determination of the case at trial.

J U D G E