IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl. Bail Application No.S-1136 of 2025.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE

Applicant: Yasir Ali S/O Muhammad Yaseen Kubar
Through Mr. Saeed Jamal Lund, Advocate.

The State: **Through Mr. Shafi Muhammad Mahar, D.PG.**

Date of hearing & order: **12.11.2026**.

Suresh Kumar J:- Through instant Criminal Bail Application, the applicant/accused Yasir Ali Kubar, seeks pre arrest bail in Crime No.84/2023 for the Offences punishable U/Ss 302, 337-H(ii),109, 34 PPC registered at Police station Setharja, District Khairpur.

2. The facts of the prosecution case, as depicted in the FIR, are as follows: On 28.10.2023 at 18:30 hours, four culprits arrived at the shop of the complainant, Ali Nawaz Kubar. Two of the culprits entered the shop, and one of them fired a pistol, which struck Muhammad Yaseen in the back. The remaining two culprits instructed the witnesses to remain quiet and engaged in aerial firing. Subsequently, the injured Muhammad Yaseen was taken to the Taluka Hospital and then referred to KMC, Civil Hospital, and finally to Hira Hospital Sukkur, where he succumbed to his injuries on 30.10.2023. On 31.10.2023, the complainant reported the incident at the police station and lodged the FIR. During the investigation, the Investigating Officer recorded the statements of witnesses Hakim Ali and Muhammad Hayyat under Section 161 of the Cr.P.C., as well as a further statement from the complainant, in which they implicated the applicant/accused.

3. The applicant/accused initially approached the Court of the Additional Sessions Judge, Mirwah, for the grant of post-arrest bail, which was dismissed by order dated 05.11.2025. Being aggrieved by this dismissal order, the applicant/accused has now approached this Court.

4. I have heard learned counsel for applicant/accused, and learned D.P.G Sindh assisted by complainant. Learned D.P.G, and complainant have strongly opposed the grant of bail to the applicant/accused.

5. Having given due consideration to the arguments advanced by the learned counsel for the respective parties and having perused the material available on record, it is revealed from the perusal of the FIR that the applicant/accused is not nominated in the FIR; however, co-accused Yaseen @ Buriro is specifically named with the role of causing firearm injuries to the deceased with his pistol. The applicant/accused has been implicated through further statement of complainant and PWs which were recorded after three days of the incident. The complainant and PWs have assigned the role of aerial firing to the applicant/accused and no injury is attributed to the applicant/accused. Therefore, the case against the applicant/accused falls within the ambit of further inquiry as embedded in Section 497(2) of the Cr.P.C. In this regard reliance is placed upon the case of Abu-Bakar Siddique v. The State (2021 SCMR 5).

6. For the foregoing reasons and guidance taken from the case law cited above, I am of the considered view that the applicant/accused has made out a case for grant of bail on further inquiry. Consequently, the applicant/accused is admitted to bail, subject to furnishing solvent surety in the sum of Rs.100,000/- (one lac) and PR bond in the like amount to the satisfaction of learned trial Court.

J U D G E

Hizbullah