

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
MIRPURKHAS.

Before: Mr. Justice Amjad Ali Sahito.
Mr. Justice Jan Ali Junejo.

Criminal Bail Application No.D-01 of 2025

Applicant: Ashique S/o Bhai Khan, Through
Mr. Pervez Akhter Talpur, Advocate.

Respondent: The State through Mr. Ghulam Abbas
Dalwani, Deputy Prosecutor General,
Sindh.

Complainant: Haseeb s/o Muhammad Hayat.
Through Mr. Afzal Karim, Advocate for
complainant.(Called absent)
Mr. Aziz Ahmed Laghari advocate holds
brief on behalf of Mr. Afzal Karim Virk,
advocate.

Criminal Bail Application No.D-09 of 2025

Applicant: Abdul Ghafoor S/o Sadique Brohi,
Through Mr. Pervez Akhter Talpur,
Advocate.

Respondent: The State through Mr. Ghulam Abbas
Dalwani, Deputy Prosecutor General,
Sindh.

Complainant: Haseeb s/o Muhammad Hayat.
Through Mr. Afzal Karim, Advocate for
complainant.(Called absent)
Mr. Aziz Ahmed Laghari advocate holds
brief on behalf of Mr. Afzal Karim Virk,
advocate.

Date of hearing: **18.08.2025**

Date of Order: **18.08.2025**

O R D E R.

AMJAD ALI SAHITO, J:- Through captioned bail applications,
the applicants/accused above named seek their post-
arrest bail in Crime No.15 of 2024, under sections 302,
114, 506(ii), 504, 337-H(ii), 147, 148, 149 PPC R/W 6/7

ATA, registered at P.S Khan, after their bail plea was declined by the learned Judge of Anti-Terrorism Court, Mirpurkhas.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Learned counsel for the applicants/accused has contended that the applicants are innocent and have been falsely implicated in the instant case with mala fide intent. It is submitted that the FIR was lodged after an unexplained and inordinate delay of two days and night hours, which casts serious doubt on the veracity of the allegations. It is further argued that the co-accused, Bhai Khan, has already been granted bail by the learned trial court, and on the principle of consistency, the applicants/accused are also entitled to the relief of bail. Learned counsel further submits that at the time of the incident, the prosecution witnesses, Hussain Bux and Sikander Ali, were sitting on the bench along with the complainant; however, it is surprising that they sustained no injuries. Therefore, the matter requires further inquiry. It is further submitted that the applicants/accused were not available at the scene of the offence. Learned counsel maintains that the complainant, due to prior enmity, has implicated the applicants/accused with ulterior motives, and as such, the applicants are entitled to the concession of bail.

4. On the other hand, learned D.P.G argued that the applicants/accused are specifically nominated in the FIR, so far as the delay in lodgment of the FIR is very much explained and opposed for grant of bail.

5. Heard the learned counsel for the respective parties and perused the material available on the record.

6. From the perusal of record, it transpires that the names of the applicants/accused are specifically mentioned in the FIR with attributed roles. The

allegation against the applicants is that on the day of incident, the accused persons, duly armed with weapons, appeared at the place of occurrence and made straight fires upon deceased Muhammad Yousif. The specific role assigned to applicant/accused Abdul Ghafoor is that he, while armed with K.K, made 2/3 fires upon the deceased, as a result of which the deceased fell down. Likewise, the role attributed to applicant/accused Ashique is that he was armed with a pistol and fired upon the complainant party. The ocular account furnished by the complainant finds due corroboration from the medical evidence. Furthermore, the prosecution witnesses have supported the version of the complainant in their statements recorded under Section 161, Cr.P.C.

7. The motive behind the occurrence is stated to be previous litigation/cases between the parties. The learned counsel for the applicants has, however, argued that there is delay in lodging the FIR. In this regard, it is observed that the delay has been sufficiently explained within the FIR itself. After sustaining injuries, the injured was initially shifted to Civil Hospital, Mirpurkhas, where he was provided first aid, and thereafter referred to Civil Hospital, Hyderabad, where he succumbed to his injuries. Following postmortem examination, the dead body was taken to the village, and after the funeral ceremony, the complainant approached the police station and lodged the FIR. Hence, the delay stands properly explained.

8. The offence with which the applicants are charged clearly falls within the prohibitory clause of Section 497, Cr.P.C. No mala fides or ill-will on the part of the complainant party has been alleged by the applicants, and, on the contrary, they are specifically assigned roles in the FIR.

9. At the bail stage, only a tentative assessment of the

material available on record is to be made. Prima facie, sufficient incriminating material exists to connect the applicants with the commission of the alleged offence, which, on the face of it, is of a heinous nature.

10. In view of the above and as the learned counsel for the applicants has failed to make out a case for the grant of bail under Subsection (2) of Section 497, Cr.P.C., the post-arrest bail application filed by the applicants/accused is hereby dismissed.

11. 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 applicants on merits.

JUDGE

JUDGE

Adnan Ashraf Nizamani