

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

Criminal Bail Application No.S-70 of 2025

Applicant: Faisal Iqbal s/o Muhammad Iqbal,
through Mr. Muhammad Jameel
Ahmed, Advocate.

Respondent: The State through Mr. Shahzado
Saleem, Additional Prosecutor
General, Sindh.

Complainant: Imran son of Ghulam Nabi
Through Mr. Muhammad Yaseen
M. Khaskheli, Advocate.

Date of hearing: **28.08.2025**

Date of Order: **28.08.2025**

O R D E R.

AMJAD ALI SAHITO, J:- Through this bail application, the applicant/accused above named seek his post-arrest bail in Crime No.168 of 2024, under sections 302, 114, 34 PPC, registered at P.S Sanghar, after his bail plea was declined by the learned Additional Sessions Judge-I/MCTC, Sanghar.

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. The learned counsel for the applicant/accused contended that the applicant is innocent and has been falsely implicated with mala fide intent. The FIR was lodged after an unexplained delay of 11 hours, casting doubt on the prosecution's version. It was argued that prior to this FIR, the deceased Ismail and another person attempted to rob the applicant at his shop, during which the applicant sustained a firearm injury.

The incident was captured on CCTV and supports the applicant's account. The police, during patrol, arrested both individuals, leading to FIR No. 165/2024 under robbery-related sections, and additional FIRs under the Sindh Arms Act. Counsel questioned the complainant's claim that the deceased was only going to change a remote, pointing out the contradiction of him being armed. The complainant also allegedly concealed the fact that both parties were injured, further indicating mala fide intent and suggesting that the complainant's side was the aggressor. Moreover, CCTV footage and the complainant's CDR show he was not present at the scene, despite his claim in the FIR. The statement of prosecution witnesses under Section 161 Cr.P.C. was also delayed by three days. Counsel argued the FIR is based on a false version, lacks credibility, and is contrary to the principles laid down in the Sughran Bibi judgment. Overall, the complainant's presence is highly doubtful, undermining the prosecution's case. It is further argued that it is the case of further inquiry and the applicant/accused is behind the bar and no more required for further inquiry and prayed for grant of bail.

4. On the other hand, the learned A.P.G. and the learned counsel for the complainant have argued that it is an admitted position that the applicant is nominated in the FIR with a specific role. He is alleged to have fired directly at the deceased, who sustained injuries and remained lying on the ground for more than 30 minutes. However, the applicant/accused neither shifted him to the hospital nor allowed anyone else to intervene and provide medical assistance. In support of these contentions, the learned counsel for the complainant played a video on his mobile phone, which purportedly shows the aforementioned circumstances. They have further argued that, on the instigation of co-accused Iqbal Bhatti, the applicant/accused fired upon the deceased, and his role in the

incident is aggressive and direct. It is further submitted that the applicant/accused is not entitled to the concession of bail and prayed for dismissal of instant bail application.

5. Heard and perused.

6. Upon perusal of the record, it transpires that a dispute had arisen between the parties concerning a remote control. On the day of the occurrence, the complainant party approached the applicant/accused at his shop, which resulted in an exchange of words. It is alleged that, upon the direction of the applicant/accused's father, the applicant/accused opened fire at the deceased, namely Muhammad Ismail Faqeer, causing firearm injuries to the frontal part of his body, whereafter the deceased fell to the ground.

7. Learned counsel for the complainant, duly supported by the learned A.P.G., placed before the Court a video recording depicting the injured lying on the ground, while the applicant/accused is alleged to have restrained the bystanders from shifting the injured to the hospital. Consequently, due to profuse bleeding and lack of timely medical aid, the deceased succumbed to the injuries sustained.

8. Conversely, learned counsel for the applicant/accused contended that the applicant himself received a firearm injury in the same incident, and an FIR was also registered against the deceased, who, it is alleged, had entered the shop of the applicant with the intent to commit robbery. It was further argued that the applicant acted in exercise of his right of private defence to protect his life and property.

9. Be that as it may, the record reflects that the deceased Muhammad Ismail Faqeer remained injured at the place of occurrence for more than thirty minutes, and the applicant/accused did not permit anyone to remove him to the hospital, as a result of which he expired due to excessive bleeding. The surrounding circumstances, the nature of the injury, the video evidence, and the subsequent conduct of the

applicant/accused prima facie indicate commission of a serious and grave offence. The plea of the applicant/accused regarding an alleged attempted robbery requires thorough investigation and examination at trial; however, at this stage, the gravity of the offence and the conduct attributed to the applicant/accused disentitle him to any extraordinary concession.

10. At bail stage, only tentative assessment is to be made. Sufficient material is available on the record to connect the applicant/accused with the commission of alleged offence. The offence with which the applicant stand charged fall within the prohibitory clause of Section 497 Cr.P.C Furthermore, no ill-will or malafide is alleged against the complainant party by the applicant even otherwise he has shown in F.I.R with specific role.

11. In view of the above and as the learned counsel for the applicant 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 applicant/accused is hereby dismissed.

12. The learned trial Court is directed to expedite the matter and conclude the trial preferably within 45 days and submit such compliance report through Additional Registrar of this Court. It is further directed no adjournment shall be granted to either party.

13. 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