

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Bail Appln. No. S-428 of 2025

Applicant	:	Ali Asghar Solangi, Through Mr. Muhammad Qasim Kanasiro, advocate
Complainant		Manthar Ali Through Mr. Muhammad Afzal Jagirani and Hayat Muhammad Khan, advocates
The State	:	Through Mr. Nazeer Ahmed Bhangwar, D.P.G for the State
Date of hearing		11-09-2025
Date of order		11-09-2025

ORDER

SHAMSUDDIN ABBASI, J.- Through the instant criminal bail application, the applicant/accused Ali Asghar Solangi seeks pre-arrest bail in Crime No. 14/2025 of P.S. Kanga, registered under Section 302, 114, 337-H(ii), 148, 149, 201, 217 P.P.C, after rejection of his bail plea by the learned trial Court vide order dated 01.08.2025.

2. Facts of the prosecution case are that initially the complainant Manthar Ali lodged the F.I.R at P.S. Kanga against accused Raza Muhammad, Gul Mohammad, Ghazanfar @ Ghazoo and Hussain Bux for murder of his son Mudasir Ali, who succumbed to death due to fire arm injuries. The applicant Ali Asghar was first investigating officer in Crime No.14/2025 of P.S Kanga, for offence U/s 302, 114, 337-H(2) PPC and it is alleged in the challan that he conducted dishonest investigation by causing disappearance of evidence to damage the prosecution case in order to save the real culprit of the offence. During investigation complainant of this case approached to Ex. Officio Justice of Peace for change of investigation and thereafter J.I.T was constituted and head of J.I.T has submitted report to D.I.G Larkana on 13.05.2025.

4. Learned counsel for applicant submits that applicant has conducted fair investigation and he has been falsely implicated in this case due to malafide intentions and ulterior motives; that section 201 PPC and 217

PPC are bailable and applicant is Government officer and he will not abscond. He requests for confirmation of interim pre-arrest bail.

5. Learned D.P.G assisted by learned counsel for complaint opposed for grant of bail on the ground that sufficient material is available on the record which shows that applicant has conducted dishonest investigation in order to save the real culprit and implicated false persons but alleged offence carries capital punishment, therefore, he is not entitled for grant of extra ordinary relief or grant of pre-arrest bail.

6. Heard learned counsel for applicant, counsel for complainant, learned D.P.G and perused the material available on record.

7. Admittedly the applicant is first investigating officer in Crime No.14/2025 of P.S Kanga, for offence U/s 302, 114, 337-H(2) PPC and it is alleged in the challan that he conducted dishonest investigation by causing disappearance of evidence to damage the prosecution case in order to save the real culprit of the offence. During investigation complainant of this case approached to Ex. Officio Justice of Peace for change of investigation and thereafter J.I.T was constituted and head of J.I.T has submitted report to D.I.G Larkana on 13.05.2025, finding of J.I.T is reproduced as under:-

“Keeping in view of above, it is submitted that this case has been investigated by I.O Inspector Ali Asghar Solangi, S.H.O P.S Kanga, from the perusal of case, it has been observed that he has knowingly forged the further statement of the complainant and there is also a discrepancy in the statement of the accused Akhtiar Jakhro who says that I appeared at Kanga Police Station with my brother alongwith weapon on 20.03.2025 at 2000 hours @ night, but SHO has shown his false arrest and they have also taken false statements from two impartial witnesses, during investigation and declared them innocent by giving them benefits in this case and has kept them on column-II. The I.O has not even obtained the verification diary and opinion from his superiors in this case, and the said I.O has bypassed his superiors and the interim challan of the case has been voluntarily submitted in the Hon’ble Court, the I.O Inspector Ali Asghar Solangi SHO PS Kanga has deliberately and negligently concealed the evidence of this murder case, which has committed the crime of Section 201 PPC. Therefore, he should be punished appropriately and departmentally action may be initiated against him.

8. Thereafter head of J.I.T has submitted final report before learned concerned Magistrate in terms of Section 170/173 Cr.P.C by adding name of applicant as accused for offence punishable under Section U/s 201 r/w Section 217 P.P.C.

9. It is admitted fact that the sections 201 and 217 PPC are bailable and the applicant is Government officer, therefore, question of abscondence or tampering with the evidence does not arise. The case has been challaned and applicant has joined the trial. Since the applicant is charged for offence U/S 201 and 217 P.P.C, which are bailable, therefore, interim pre-arrest bail already granted to applicant is confirmed on same terms and conditions.

10. Needless to mention that the observations made hereinabove are tentative in nature and shall not prejudice the case of either party at trial.

J U D G E

Abdul Salam/P.A