

IN THE HIGH COURT OF SINDH CIRCUIT COURT
LARKANA

Criminal Bail Application No. S-213 of 2026

Before;

Mr. Justice Ali Haider 'Ada'.

Applicant : Mansoor son of Ghulam Qadir,
through Mr. Mujahid Ali Jatoi,
Advocate.

Complainant : Mst. Hakimzadi in person.

The State : *Through* Mr. Nazir Ahmed
Bangwar, Deputy Prosecutor
General Sindh.

Date of Hearing : 15.06.2026
Date of Order : 15.06.2026.

ORDER

Ali Haider 'Ada' J.- Through this bail application, the applicant seeks post-arrest bail in FIR No.57 of 2025, registered at Police Station Moula Dad, for offences punishable under Sections 302, 324, 504, 147, 148 and 149, P.P.C. Prior to filing the instant application, the applicant approached the learned trial Court for the same relief; however, his bail application was dismissed vide order dated 27.03.2026.

2. The prosecution case, in brief, is that the applicant along with co-accused persons was nominated in the subject crime. The allegation against the present applicant is that he caused a lathi blow to the complainant, which landed on her right thigh. The FIR was lodged after the incident and the matter was taken up for investigation.

3. Learned counsel for the applicant submits that no role of causing the fatal injury has been attributed to the present

applicant. According to the prosecution case itself, the applicant allegedly caused only a lathi injury to the complainant, which, according to the medical evidence, falls within the ambit of Section 337-L(ii), P.P.C., a bailable offence. He therefore contends that the applicant's case calls for further inquiry.

4. On the other hand, complainant Mst. Hakimzadi appeared in person and stated that she has faith in the prosecution and the law officer; however, she maintained that her young son was murdered and the present applicant participated in the commission of the offence. Learned Deputy Prosecutor General, while opposing the application, conceded that the injury attributed to the applicant falls under Section 337-L(ii), P.P.C., but argued that the applicant is liable on the principle of vicarious liability as he was a member of the unlawful assembly.

5. Heard the learned counsel for the parties and examined the available record.

6. The applicant has been specifically assigned the role of causing a lathi injury to the complainant on her right thigh. The said injury has been declared by the Medical Officer to fall under Section 337-L(ii), P.P.C. and is admittedly bailable in nature. The applicant has remained behind bars since his arrest and is no longer required for the purpose of investigation as the challan has already been submitted before the competent Court. Support is drawn from the case of **Muhammad Akhtar v. The State (2025 SCMR 1631)**.

7. So far as the question of vicarious liability is concerned, the Honourable Supreme Court in **Binyameen v. The State (2026 SCMR 99)** observed that the extent of such liability is to be determined after recording evidence during trial. At this

stage, a deeper appreciation of evidence is neither desirable nor permissible.

8. Keeping in view that the applicant has not been attributed any fatal injury, the injury allegedly caused by him is bailable in nature, the investigation has been completed and the challan has already been submitted, and further that his exact liability is to be determined during trial after recording evidence, I am of the tentative view that the case of the applicant calls for further inquiry within the meaning of Section 497(2), Cr.P.C. It is a settled principle that grant of bail is the rule and refusal thereof is an exception, particularly where further inquiry is made out.

9. For the foregoing reasons, the instant bail application is allowed. The applicant is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court. Needless to observe that the findings recorded herein are purely tentative in nature and shall not prejudice either party during the course of trial.

J U D G E