

ORDER SHEET
 IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
CrI. Bail Application No. S-423- of 2026
 (Ghulam Qadir Kalhoro Vs. The State)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
-----------------	-------------------------------

1. For Orders on office objection.
2. For hearing of bail application.

Date of hearing and order: 29-06-2026.

Mr. Achar Khan Gabol, Advocate for the applicant.
 Mr. Khalil Ahmed Maitlo, Deputy P.G for the State.

ORDER.

Adnan-ul-Karim Memon J:- Applicant named above seeks post-arrest bail in Crime No. 16/2026, offence u/s 302, 311 PPC registered at Police Station Kandhra, District Sukkur. His post-arrest bail application was dismissed by the learned Additional Sessions Judge-V, Sukkur, vide order dated 19.03.2026, whereafter he approached this Court by way of the present post-arrest bail application.

2. Learned counsel for the applicant submits that the applicant has falsely been implicated in the present case based on a fabricated story lodged by the police. He contends that the deceased, Bilqees, had committed suicide by firing upon herself while the applicant was working in his agricultural land. Upon receiving information from his wife, the applicant returned home, found his daughter dead, and immediately approached the police station to report the incident. However, instead of taking lawful action, the police demanded illegal gratification from the applicant and, upon his refusal, falsely implicated him in the present offence. Learned counsel further argues that the investigation conducted by the initial Investigating Officer was unfair and biased, and after that, on the complaint of the applicant's family, the investigation was entrusted to DSP Abdul Sattar Phull. The learned counsel submits that the DSP conducted an independent inquiry, recorded statements of the relevant witnesses, and ultimately concluded that the deceased had committed suicide, declaring the applicant innocent and recommending his release. It is, therefore, contended that the case falls within the ambit of further inquiry under Section

497(2), Cr.P.C. It is further submitted that the prosecution has failed to collect any material to substantiate the allegation that the applicant murdered his daughter due to her refusal to marry according to his wishes. The alleged motive is unsupported by any evidence. Learned counsel also points out that although the house of the applicant is situated in a densely populated locality, no independent witness was associated with the police proceedings, nor were statements of neighbouring residents recorded. Likewise, the alleged recovery of the Kalashnikov and empty cartridge is disputed as being a foisted recovery, effected without associating private mashirs, thereby rendering the recovery highly doubtful. Lastly, learned counsel submits that the occurrence is an unseen incident, the prosecution case is inherently improbable, and the evidence collected by the prosecution suffers from serious legal and factual infirmities. It is argued that the applicant may be admitted to post-arrest bail in the subject crime.

3. Learned Deputy Prosecutor General (DPG) opposed the grant of post-arrest bail and submitted that the applicant is specifically nominated in the FIR with the direct allegation of committing the murder of his daughter in the name of honour. He argued that the offence falls within the prohibitory clause of Section 497, Cr.P.C., and the prosecution case is supported by the statements of the prosecution witnesses recorded during the investigation. Learned DPG further contended that the defence plea of false implication, suicide, and innocence involves disputed questions of fact requiring evidence and cannot be examined at the bail stage. It was, therefore, prayed that as sufficient incriminating material connects the applicant with the commission of the offence, no case for further inquiry is made out and the bail application merits dismissal.

4. I have heard the learned counsel for the parties and perused the record with their assistance.

5. The prosecution case, as set out in the subject FIR, is that on 20.02.2026, complainant ASI Ali Nawaz Chachar, while on routine patrol along with other police officials, received spy information that the present applicant, Ghulam Qadir, had murdered his minor daughter, Mst. Bilqees, aged about 16/17 years, at his house in Village Yar Muhammad Kalhoro, Taluka Rohri, District Sukkur, as she had refused to marry according to his wishes. Acting upon the information, the police reached the house of the applicant, where

they found the dead body of the deceased lying inside a room with a firearm injury. An empty cartridge of a Kalashnikov rifle was also recovered from the place of occurrence and secured through mashirnama. The dead body was shifted to RHC Kandhra for post-mortem examination and, after completion of the legal formalities, was handed over to the legal heirs. On these allegations, an FIR was registered against the applicant for offences punishable under Sections 302 and 311 of the P.P.C. The applicant was subsequently arrested and, after completion of the investigation, was remanded to judicial custody. During the investigation, it was revealed that the SDPO/ASP City Sukkur, upon scrutiny of the case file, did not concur with the findings of the second Investigating Officer, consequently, the SDPO declined to approve the recommendation for closure of the case and directed that further investigation be carried out by obtaining the FSL report, interrogating the accused, investigating the source of the weapon, and conducting a comprehensive inquiry into the honour-killing motive.

6. The post-mortem examination of the deceased, Mst. Bilqees, was conducted by Dr. Bakhtawar, Women Medical Officer, RHC Kandhra, on 21.02.2026. During the examination, the doctor observed one firearm entry wound measuring approximately 1 cm × 1 cm over the epigastric region of the abdomen with inverted margins and a corresponding exit wound over the right mid-back with everted margins. On internal examination, laceration of the anterior abdominal wall, stomach, posterior chest wall, right pleura, and right lung was noted. The Medical Officer opined that all injuries were ante-mortem in nature, caused by a firearm projectile, and that death occurred instantaneously due to hypovolemic shock resulting from profuse internal bleeding consequent upon the firearm injury.

7. The ballistic examination report issued by the Forensic Science Laboratory, Forensic Division, Larkana, reveals that a 7.62 mm bore SMG rifle (Kalashnikov), five live cartridges, and one crime empty were received in sealed condition for examination. Upon forensic analysis, the expert found the recovered firearm to be in working condition. The report further concludes that the crime empty recovered from the place of occurrence had been fired from the said 7.62 mm bore SMG rifle, as the striker pin marks, breech face marks, ejector marks, and other microscopic characteristics on

the crime empty corresponded with those produced during the test firing of the recovered weapon.

8. I have tentatively examined the material available on record and of the tentative view that the applicant is specifically nominated in the FIR with the allegation that he committed the murder of his minor daughter in the name of honour. The post-mortem report confirms that the deceased sustained a firearm entry wound over the abdomen with a corresponding exit wound, causing extensive internal damage to the stomach, chest wall, pleura and right lung. The Medical Officer has unequivocally opined that the injuries were ante-mortem and sufficient in the ordinary course of nature to cause death. Furthermore, the ballistic examination report corroborates the prosecution case by establishing that the crime empty recovered from the place of occurrence was fired from the recovered 7.62 mm bore SMG rifle (Kalashnikov), thereby providing forensic support to the prosecution version.

9. The principal defence of the applicant is that the deceased committed suicide and that he has been falsely implicated due to his refusal to pay illegal gratification to the police. Reliance has also been placed upon a subsequent inquiry conducted by a DSP, which declared the applicant innocent based on the statements of witnesses. These pleas, however, constitute matters of defence which require appreciation of evidence after recording the testimony of witnesses during trial. At the bail stage, this Court is required to undertake only a tentative assessment of the material collected during the investigation and cannot embark upon a deeper appreciation of disputed questions of fact. Likewise, the evidentiary value, legality and correctness of the inquiry report, in a murder case, or suicide case if any, relied upon by the applicant can only be examined by the trial Court after the parties lead their respective evidence, more particularly police officials.

10. The contention advanced by the learned counsel for the applicant that no independent witnesses were associated with the recovery proceedings, that private witnesses were not examined, that the prosecution has failed to establish the motive, and that the investigation suffers from certain defects, does not, at this stage, furnish sufficient grounds for the grant of post-arrest bail. It is by now a settled principle of criminal jurisprudence that omissions or irregularities in investigation, unless they go to the root of the

prosecution case and completely demolish the reasonable grounds connecting the accused with the commission of the offence, are matters to be examined during the course of trial. Such defects ordinarily cannot be made a basis for extending the concession of post-arrest bail in offences falling within the prohibitory clause of section 497, Cr.P.C., particularly where the prosecution has otherwise collected incriminating material connecting the accused with the occurrence.

11. It is equally well-settled that non-association of private mashirs or independent witnesses is not invariably fatal to the prosecution case. In our society, particularly in cases involving murder and honour-related offences, independent persons are generally reluctant to involve themselves in criminal proceedings due to fear of reprisal and prolonged litigation. Consequently, the testimony of police officials cannot be discarded merely because they belong to the police force, if otherwise found trustworthy and confidence inspiring. Likewise, the question whether the prosecution has ultimately succeeded in proving the motive is also a matter requiring appreciation of evidence during trial. Even if the motive is not conclusively established, the prosecution case does not automatically fail where there exists direct or circumstantial evidence connecting the accused with the commission of the offence.

12. The Supreme Court has consistently held that defective or even dishonest investigation does not necessarily benefit an accused at the bail stage. The Court is required to assess whether reasonable grounds exist to believe that the accused is connected with the commission of the offence and not whether every piece of evidence has attained the standard required for conviction. Deficiencies in investigation may affect the evidentiary value of the prosecution case at the conclusion of trial but do not ipso facto entitle an accused to bail. Primarily, defects or omissions in investigation by themselves do not create a case of further inquiry unless such defects completely destroy the prosecution case. Similarly, negligence or irregularity on the part of the Investigating Officer cannot be made a ground for extending the concession of bail where other prima-facie incriminating material is available. At the bail stage the Court is not required to conduct a deeper appreciation of evidence or decide disputed questions of fact, as agitated by the applicant which are to be determined after recording evidence at

trial. Furthermore, the present case involves allegations attracting sections 302 and 311 PPC, the latter provision having been enacted to curb the menace of honour killings and to ensure that such offences are prosecuted as crimes against society irrespective of any compromise between the parties. Offences under section 311 PPC carry grave social consequences and are treated with greater seriousness by the Courts. Therefore, minor investigative lapses, alleged absence of independent witnesses, or disputed questions regarding motive cannot outweigh the gravity of the accusation where the available material prima facie discloses reasonable grounds connecting the accused with the commission of such an offence. These are matters requiring full-fledged evidence and cross-examination before the trial Court and do not, in the facts and circumstances of the present case, justify the extraordinary concession of post-arrest bail at this stage.

13. The offence alleged against the applicant is punishable with death or imprisonment for life and, thus, falls within the prohibitory clause of Section 497, Cr.P.C. At this tentative stage, the material collected by the prosecution, comprising the specific nomination of the applicant, the medical evidence, the recovery of the crime empty from the place of occurrence, and the positive ballistic report, furnishes reasonable grounds to believe that prima-facie the applicant is connected with the commission of the alleged offence, till the material evidence shows contrary, which could only be done after recording evidence of the parties. Consequently, the case does not appear to fall within the ambit of "further inquiry" as contemplated under Section 497(2), Cr.P.C.

14. For the foregoing reasons, I am of the tentative view that the applicant has failed to make out a case for the concession of post-arrest bail in the subject crime, at this stage. Accordingly, the instant bail application is dismissed.

15. It is clarified that the observations made herein are purely tentative in nature and shall not prejudice either party during the trial, where the case shall be decided strictly based on evidence produced before the learned trial Court.

J U D G E

Nasim/P.A