

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Cr. Revn. Appln No.S-02 of 2026

Date of Hearing	ORDER WITH SIGNATURE OF JUDGE
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01.07.2026.

1. For orders on office objection.
2. For hearing of Main Case.

Mr. Saeed Ahmed B. Bijarani, advocate for the applicant.
Mr. Athar Abbas Solangi, advocate for respondent No.2/complainant.
Mr. Nazeer Ahmed Bhangwar, Deputy Prosecutor General.

ORDER

Zulfiqar Ali Sangi- J:- Through the instant Criminal Revision Application, the applicant/accused, Jehangir Bunglani, has assailed the legality and propriety of the order dated 22.12.2025 passed by the learned Additional Sessions Judge-I, Jacobabad, whereby his application under Section 265-K, Cr.P.C., seeking acquittal at any stage of the proceedings, was dismissed.

2. Briefly stated, the prosecution case, as set out in FIR No.07 of 2024 dated 21.02.2024 registered at Police Station Mubarakpur, District Jacobabad, at the instance of complainant Gul Hassan Bunglani, is that longstanding enmity existed between the complainant party and the family of the present applicant on account of the murder of Majid, son of the applicant, allegedly committed in the year 2016, in which the complainant's father and brother had been nominated as accused. It is alleged that on 21.02.2024, at about 4:30 p.m., while the complainant, accompanied by his brothers namely Sajjad Ali, Javed Ali and Irshad Ali, was present at the agricultural land of Muhammad Ayoub Bunglani, accused Muneer Ahmed, Muhammad Shareef, Aijaz Ahmed, Aftab Ahmed and Fakhruddin arrived there on two motorcycles. According to the prosecution, accused Muneer Ahmed, Muhammad Shareef and Aftab Ahmed resorted to indiscriminate firing with pistols upon Sajjad Ali, who sustained firearm injuries and succumbed to the same at the spot. The present applicant was specifically nominated in the FIR with the allegation that the principal offenders committed the offence at his instigation and abetment.

3. Learned counsel for the applicant contended that the applicant was admittedly not present in Pakistan at the relevant time, as he had departed for

the Kingdom of Saudi Arabia prior to the occurrence. It was argued that the immigration and travel record, duly produced before the Investigating Officer as well as the learned Magistrate, unequivocally establishes that the applicant had left Pakistan before the incident, thereby rendering his implication false, baseless and actuated by mala fide. Learned counsel further submitted that the Investigating Officer had verified the travel documents, which were also taken into consideration by the learned Magistrate at the time of taking cognizance. He further argued that co-accused Muneer Ahmed, who had been assigned a more direct role of causing firearm injuries to the deceased, was acquitted by this Court through order dated 17.07.2025 passed in Criminal Revision Application No.S-03 of 2025 on the strength of his plea of alibi. According to the learned counsel, the present applicant stands on an even better footing than the acquitted co-accused and is, therefore, entitled to the benefit of the rule of consistency. Lastly, it was submitted that the learned trial Court failed to properly appreciate the material available on record while dismissing the application under Section 265-K, Cr.P.C.; consequently, the impugned order is liable to be set aside.

4. Conversely, learned Deputy Prosecutor General, assisted by learned counsel for respondent No.2/complainant, vehemently opposed the revision application. They submitted that the acquittal of co-accused Muneer Ahmed rested upon an altogether different factual foundation, inasmuch as he had been assigned the direct role of firing at the deceased and was acquitted solely on the basis of evidence substantiating his plea of alibi. It was argued that the allegation against the present applicant is materially distinguishable, as he has been nominated for having instigated and abetted the commission of the offence. According to the learned law officer, the applicant departed from Pakistan only a few hours before the occurrence, while his son, namely Aftab Ahmed Bunglani, who has been specifically nominated as one of the principal assailants responsible for causing firearm injuries to the deceased, continues to abscond. It was further argued that physical presence at the place of occurrence is not an essential ingredient for constituting the offence of abetment or instigation, as such instigation may be conceived, communicated or executed before the occurrence or even from beyond the territorial limits of Pakistan. They, therefore, maintained that the prosecution case necessarily requires recording of evidence and cannot be terminated prematurely by invoking the extraordinary jurisdiction under Section 265-K, Cr.P.C.

5. I have heard the learned counsel for the parties at considerable length and have carefully examined the record made available before the Court.

6. The principal question requiring determination is whether the applicant has succeeded in making out a case warranting his acquittal under Section 265-K, Cr.P.C. at this preliminary stage. It is by now a settled proposition of criminal jurisprudence that the jurisdiction conferred upon the trial Court under Section 265-K, Cr.P.C. is extraordinary in nature and is to be exercised sparingly, cautiously and only in exceptional circumstances where the Court reaches the unmistakable conclusion that there exists no probability whatsoever of the accused being convicted and that continuation of the criminal proceedings would amount to an abuse of the process of the Court. The said provision is neither intended to substitute a full-fledged trial nor to permit a meticulous appreciation of disputed questions of fact or evidence, which can only properly be adjudicated upon after recording of the prosecution evidence.

7. It is equally well-settled that while adjudicating an application under Section 265-K, Cr.P.C., the Court is not expected to conduct a mini-trial, evaluate the credibility of witnesses or determine the evidentiary value of the defence material. Wherever the allegations necessitate deeper scrutiny, appreciation of evidence, cross-examination of witnesses or proof of disputed factual issues, the accused must ordinarily face the trial and establish his defence in accordance with law.

8. Admittedly, the travel record relied upon by the applicant reflects that he departed from Jinnah International Airport, Karachi on 21.02.2024 at 12:17 a.m., whereas the alleged occurrence took place on the same day at about 4:30 p.m. There is, therefore, an interval of only a few hours between his departure from Pakistan and the commission of the alleged offence. Significantly, however, the prosecution has not attributed to the applicant any direct role in the actual firing. The allegation against him is one of instigation and abetment. The prosecution further alleges that one of the principal assailants, namely Aftab Ahmed Bunglani, who has been assigned the specific role of causing firearm injuries to the deceased, is admittedly the son of the present applicant and continues to evade arrest.

9. The contention advanced on behalf of the applicant that his absence from Pakistan completely demolishes the prosecution case is not sufficient, at this stage, to justify an acquittal under Section 265-K, Cr.P.C. It is well recognized that the offence of abetment or instigation is conceptually distinct from direct participation in the commission of an offence. Physical presence of an accused at the place of occurrence is not, in every case, an indispensable requirement for fastening criminal liability founded upon instigation or abetment. Whether the alleged instigation was in fact made, the stage at which it was conveyed, the manner in which it was communicated, and whether such conduct bears a nexus with the commission of the offence, are all questions of fact which necessarily require evidence and cannot be conclusively determined merely on the basis of the travel record relied upon by the applicant.

10. Likewise, the reliance placed upon the acquittal of co-accused Muneer Ahmed is misconceived. Although the rule of consistency constitutes an important principle of criminal jurisprudence, its application is contingent upon identity of allegations, evidence and surrounding circumstances. Where the role attributed to one accused is materially distinguishable from that assigned to another, or where the factual foundation of the prosecution case differs, the principle cannot be applied mechanically. The record reflects that co-accused Muneer Ahmed was attributed the direct role of firing at the deceased and his acquittal was founded upon the plea of alibi supported by the material considered by this Court. In contrast, the allegation against the present applicant pertains to instigation and abetment, which constitutes an independent accusation requiring independent proof. Consequently, the acquittal of the co-accused does not automatically entitle the present applicant to similar relief.

11. The submissions advanced on behalf of the applicant involve disputed questions of fact which can only be effectively adjudicated upon after the prosecution leads its evidence and the defence is afforded a fair opportunity to rebut the same in accordance with law. At this stage, this Court is not persuaded to hold that there exists no probability whatsoever of the applicant's conviction or that continuation of the trial would amount to an abuse of the process of the Court. The impugned order passed by the learned trial Court is found to be free from any legal infirmity, jurisdictional defect,

material illegality, misreading or non-reading of the evidence warranting interference by this Court in exercise of its revisional jurisdiction.

12. For the foregoing reasons, this Criminal Revision Application, being devoid of substance and merit, is hereby dismissed. Consequently, the order dated 22.12.2025 passed by the learned Additional Sessions Judge-I, Jacobabad, is maintained.

13. The learned trial Court shall, however, proceed with the trial strictly in accordance with law without being influenced by any tentative observations contained in this order and shall make every endeavour to conclude the proceedings expeditiously, preferably within a period of three months from the date of receipt of this order.

14. The Senior Superintendent of Police, Jacobabad, is further directed to take all necessary legal measures for securing the arrest of all absconding nominated accused, including accused Aftab Ahmed Bunglani, and to ensure their production before the learned trial Court without unnecessary delay so that the trial may proceed to its logical conclusion.

15. The Criminal Revision Application stands dismissed accordingly.

JUDGE