

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No.S- 330 of 2026

Applicant : Kamran Jatoi through Mr. Ajeebullah Junejo, Advocate.

Complainant : Nisar Ahmed through Mr. Tabbasum Raza Rajper, Advocate.

Respondent: : The State through Mr. Muhammad Raza Katohar, Deputy P.G.

Date of Hearing : 17-08-2026

Date of Order : 17-08-2026

ORDER

TASNEEM SULTANA, J.- Through this criminal bail application, the applicant Kamran s/o Mumtaz Jatoi seeks post-arrest bail in Crime No.14 of 2026, registered under Sections 148, 149, 392, 324, 337-H(ii) and 506(2), PPC at Police Station Baiji Sharif, after his post-arrest bail application was declined by the learned Additional Sessions Judge, Pano Akil, vide order dated 03.03.2026.

2. Brief facts of the prosecution case are that the parties were already at odds on account of FIR No.35/2025 concerning the murder of the complainant's brother, in which the present applicant was also nominated. It is alleged that on 24.01.2026 at about 5:30 p.m., complainant Nisar Ahmed, along with his brother Israr Ahmed and cousin Saleem, was returning from Pano Akil towards his village on a motorcycle when they reached Bhutta Goth, where accused Ghous Bux, armed with a K.K., the present applicant Kamran, armed with a pistol, and three unidentified armed persons allegedly emerged from a sugarcane field and intercepted them. Accused Ghous Bux allegedly fired at the complainant party with intention to commit murder, which fire struck the motorcycle. Thereafter, the applicant, along with the unidentified accused, allegedly robbed Rs.12,500/- from the complainant, whereas accused Ghous Bux robbed Rs.1,000/- from Israr Ahmed and also extended threats to withdraw from the earlier case. The accused thereafter allegedly resorted to aerial firing and fled towards the Katcha area. The complainant stated that, after returning home, his mother became unwell and he remained occupied with her medical treatment; thereafter, the FIR was lodged on 01.02.2026.

3. Learned counsel for the applicant inter alia contends that the applicant is innocent and has been falsely implicated due to previous dispute between the parties; that the applicant had been granted bail in Crime No.35/2025 and, upon issuance of his release writ on 23.01.2026, he was again apprehended by the police from outside Central Prison, Sukkur; that thereafter he was shown involved in Crime No.10/2026 of P.S. Baiji Sharif and proceedings under Section 491, Cr.P.C. were instituted on 24.01.2026 regarding his detention; that the applicant was thus already in custody and could not have participated in the alleged occurrence shown to have taken place on 24.01.2026 at about 5:30 p.m.; that Crime No.35/2025, Crime No.10/2026 and the present case have been lodged by members of the same rival side due to previous hostility; that the FIR was lodged after considerable delay despite the applicant being known to the complainant; that the straight fire is attributed to co-accused Ghous Bux, whereas no recovery of the allegedly robbed amount or weapon has been effected from the applicant; and that the circumstances of the case call for further inquiry into his involvement. He lastly prayed for grant of bail.

4. Learned D.P.G. for the State, assisted by learned counsel for the complainant, opposes the bail application and contends that the applicant is specifically nominated in the FIR; that he was allegedly armed with a pistol and has been assigned a specific role of robbing cash from the complainant; that the complainant and prosecution witnesses have supported the accusation during investigation; and that sufficient material is available to connect the applicant with the commission of the alleged offence. They, therefore, prayed for dismissal of the bail application.

5. Heard. Record perused.

6. It appears from the record that the straight fire at the complainant party is specifically attributed to co-accused Ghous Bux, whereas the applicant is alleged to have been armed with a pistol and, along with the unidentified accused, to have robbed Rs.12,500/- from the complainant. It is further alleged that the accused thereafter resorted to aerial firing. However, neither any part of the allegedly robbed amount nor the pistol allegedly carried by the applicant has been recovered from his possession. It is also noticeable that the occurrence is alleged to have taken place on

24.01.2026 at about 5:30 p.m., whereas the FIR was lodged on 01.02.2026, despite the applicant being known to the complainant.

7. The record further reflects that Cr. Misc. Application No.214/2026 under Section 491, Cr.P.C. was instituted on 24.01.2026, wherein it was alleged that the applicant had been apprehended after his release and kept in detention. The order dated 27.01.2026 passed in those proceedings records the report submitted by the SHO, P.S. Baiji Sharif, that the detainees had been arrested in Crime No.10/2026 and remanded to judicial custody. Significantly, these proceedings had been initiated prior to registration of the present FIR on 01.02.2026. The plea regarding the applicant's custody during the relevant period, therefore, cannot readily be treated as an afterthought and assumes significance while examining his alleged participation in the occurrence.

8. It further appears from the record that FIR No.35/2025, FIR No.10/2026 and the present FIR No.14/2026 involve the same rival sides in the context of previous hostility between the parties. The applicant had been admitted to bail in FIR No.35/2025 and his release writ was issued on 23.01.2026. On the same date, FIR No.10/2026, relating to an occurrence allegedly taking place on 15.03.2025, was registered against him, whereas the occurrence in the present case is alleged to have taken place on the following day. Taken together, these circumstances, coupled with the delay in lodging the FIR and absence of recovery from the applicant, make his participation in the alleged occurrence a matter requiring further inquiry within the meaning of Section 497(2), Cr.P.C.

9. In view of the above facts and circumstances, the applicant has succeeded in making out a case for grant of bail. Consequently, the applicant Kamran s/o Mumtaz Jatoi is **admitted** to post-arrest bail subject to furnishing solvent surety in the sum of **Rs.100,000/- (Rupees One Hundred Thousand only)** and P.R. bond in the like amount to the satisfaction of the learned trial Court.

10. The observations made herein are tentative in nature and shall not influence the learned trial Court while deciding the case on merits.

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