

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Criminal Bail Application No.S-81 of 2025

Applicant/ accused: Salamat Ali Lakho s/o Muhammad Mauroof Lakho,
Through Mr. Muhammad Hashim Laghari and Mr.
Aziz Ahmed Laghari, Advocates.

The State: Through Mr. Ghulam Abbas Dalwani, D.P.G.

Complainant: Manthar Ali s/o Muhammad Ibrahim,
Through Mr. Afzal Karim Virk, Advocate.

Date of hearing: 03.06.2025

Date of order: 03.06.2025

ORDER

Jan Ali Junejo, J. – The applicant/accused, Salamat Ali Lakho, has filed the present post-arrest bail application following the dismissal of his earlier application bearing No.09/2025 by the learned Additional Sessions Judge-II, Mirpurkhas, vide order dated 03.03.2025. The current proceedings stem from F.I.R./Crime No.170 of 2023, registered at Police Station Town Mirpurkhas under Sections 324, 337-A(i), 337-F(iii), 114, 148, 149 and 504 of the Pakistan Penal Code (P.P.C.).

2. The prosecution's case, as set forth in the FIR lodged by the complainant, Manthar Ali Mari, reveals that on 30.12.2023, at approximately 1000 hours, the Complainant, accompanied by Ali Hassan, Nadir Ali Mari, Akbar, and Ali Gohar Mari, was present at the office of the Returning Officer, Taluka Hussain Bux Mari, Mirpurkhas. During their presence, Salamat Ali Lakho, Amanat Ali Lakho, Nadir Ali Lakho, Sultan Lakho—involved in extortion—and seven unidentified armed individuals arrived and confronted the complainant's party regarding the submission of nomination papers. It is alleged that Salamat Ali, incited by Amanat Ali, fired a pistol shot that struck Ali Hassan in the left thigh. Simultaneously, the other accused, armed with Kalashnikovs, opened fire, causing injuries to Nadir Ali Mari. The assailants reportedly raised intimidating slogans, carried out aerial firing to instill fear and chaos, and threatened the

complainants with dire consequences should they fail to withdraw from the electoral process. Following the incident, the accused fled the scene in a white Land Cruiser and a white Revo vehicle, while the injured were transported to the Civil Hospital for medical treatment.

3. The learned counsel for the applicant contended that the applicant has been falsely implicated due to malicious intent and ulterior motives arising from an ongoing property dispute. It is further asserted that the injuries sustained by Ali Hassan and Nadir Ali are self-inflicted, aimed at strengthening a fabricated case against the applicant. The role attributed to the applicant/accused is described as unreliable and doubtful, necessitating thorough investigation. It is contended that the version presented in the FIR is superficial, inconsistent, and lacks credibility, failing to convince a reasonable mind, therefore, the matter calls for further inquiry under Section 497(2) of the Cr.P.C. Lastly, he prayed for the grant of post-arrest bail to the applicant/ accused.

4. The learned counsel for the complainant vehemently opposed the bail application, asserting that the applicant is specifically named in the FIR and that the witnesses have supported the complainant's version of the incident. The injury to the injured Ali Hassan and Nadir Ali is supported by the medical evidence. The counsel contended that the applicant is not entitled to the concession of bail, especially given the seriousness of the allegations. Lastly, the learned counsel prayed for dismissal of the bail application.

5. The learned Deputy Prosecutor General Sindh supported the complainant's contentions and urged the Court to dismiss the bail application. It was emphasized that the offences under Sections 324 P.P.C. is serious in nature, non-bailable, and the case does not fall within the purview of the prohibitory clause under Section 497(1), Cr.P.C. Lastly, the learned D.P.G prayed for dismissal of the bail application.

6. I have carefully considered the arguments advanced by the learned counsel for the applicant, the learned counsel for the complainant, and the learned Deputy Prosecutor General, and have also examined the material available on record, making a tentative assessment as permitted at the bail stage. The case involves a solitary firearm injury allegedly inflicted by the applicant on the injured Ali Hassan, which struck his right thigh. Whether this injury was of a fatal nature remains undetermined at this stage. It is noteworthy that, despite the injured being at the mercy of the applicant and other armed co-accused, there is no allegation that the applicant repeated the firing. Consequently, the essential ingredients of the offence under Section 324, P.P.C., appear, prima facie, to be lacking. In light of the foregoing circumstances, the case against the present applicant falls within the scope of further inquiry as contemplated under Section 497(2) of the Criminal Procedure Code. In a case of similar nature, ***Saeedullah and 2 others v. The State and another (2023 SCMR 1397)***, the Honourable Supreme Court of Pakistan held that: *“As stated above, the complainant sustained injuries on non-vital parts of the body whereas more than 37 empties have been recovered from the place of occurrence, which prima facie shows that the accused had no intention to kill the complainant despite having ample opportunity to do so. In this view of the matter, the question whether section 324, P.P.C. would be applicable in the case or not would be determined by the learned Trial Court after recording of evidence”*. In another similar case, ***Muhammad Umar v. The State and another (PLD 2004 SC 477)***, the Honourable Supreme Court of Pakistan observed that: *“A perusal whereof indicates that allegedly the petitioner fired upon the outer side of the right leg's middle part of the injured Shahid Iqbal, therefore, prima facie, We are of the opinion that he had no intention to fire upon the vital part of the injured Shahid-Iqbal for the purpose of launching murderous assault. Be that as it may, now the challan has been submitted, trial has commenced, petitioner is in custody with effect from the date of his arrest and is*

no more required for the purpose of investigation of the case, therefore, no useful purpose will be served by keeping him in custody". Reference may also be made to the principle enunciated by the Honourable Supreme Court of Pakistan in the case of ***Jamaluddin and another v. The State (2023 SCMR 1243)***. It has further come on record that the applicant had instituted Constitutional Petition No. S-236 of 2021 before the Honourable High Court of Sindh, Circuit Court Hyderabad, which was allowed by order dated 23.09.2022. In that order, the learned Bench directed that a thorough probe be conducted regarding the multiple FIRs registered against the applicant and further ordered that no fresh FIR shall be lodged against him without prior permission of the concerned Judicial Magistrate. Pursuant to the said directions, an inquiry was carried out, which revealed that several false FIRs had indeed been registered against the applicant. In view of these circumstances, coupled with the admitted political rivalry evident from the contents of the FIR, the possibility of the applicant's false implication in the present case, though ultimately to be adjudicated at the stage of trial, cannot be ruled out at this stage of bail proceedings.

7. For the reasons discussed hereinabove, the post-arrest bail of the applicant/accused, Salamat Ali Lakho, is hereby granted and the applicant/accused is admitted on bail subject to furnishing a solvent surety in the sum of Rs. 100,000/- (Rupees One Lac Only) and P.R. Bond in the like amount to the satisfaction of the learned trial Court.

8. It is, however, clarified that the observations made in this order are purely tentative in nature and are confined solely to the adjudication of the present bail application. These findings shall not influence or prejudice the case of either party at the stage of trial or final adjudication on merits. These are the reasons of short Order dated 03-06-2025.

JUDGE

Saleem

Jan Ali Junejo, J: The applicant/accused, Salamat Ali Lakho, has filed the present post-arrest bail application following the dismissal of his earlier application bearing No.09/2025 by the learned Additional Sessions Judge-II, Mirpurkhas, vide order dated 03.03.2025. The current proceedings stem from F.I.R./Crime No.170 of 2023, registered at Police Station Town Mirpurkhas under Sections 324, 337-A(i), 337-F(iii), 114, 148, 149 and 504 of the Pakistan Penal Code (P.P.C.).

2. The prosecution's case, as articulated in the FIR lodged by the complainant, Manthar Ali Mari, indicates that on 30.12.2023 he alongwith Ali Hassan, Nadir Ali Mari, Akber and Ali Gohar Mari went to the R.O Office Taluka Hussain Bux Mari for election nomination form. Ali Gohar went in the room of Assistant Commissioner in Assistant Commissioner's Office and they were available in the office where at 1000 hours Salamat Ali Lakho, Amanat Ali Lakho, Nadir Ali Lakho and Sultan Lakho, who belong to criminal group, alongwith 7 unknown persons, who would be identified on seeing, came out. Salamat Ali was armed with pistol and remaining were armed with kilashankovs. Salamat Ali Lakho after abusing told that why they are filling election form infront of him. Then Amanat Ali Lakho instigated Salamat Ali Lakho not to leave them and commit their murder whereupon Salamat Ali Lakho made direct fire from his pistol upon Ali Hassan, which hit on the thigh of left leg and he fell down. They tried to save him whereupon all accused made firing upon them and Sultan Lakho caused butt of kilashankov to Nadir Mari, who became injured.

Then accused person while raising slogans, making aerial firing, creating fear/terror and issuing threats of dire consequences went away in vehicles. Thereafter, they brought injured Ali Gohar at civil hospital and after obtaining letter for medical treatment got his medical treatment; after providing first aid he was admitted in hospital. Thereafter, complainant came at PS and lodged instant FIR.

3. The learned counsel for the applicant contended that the applicant has been falsely implicated due to malicious intent and ulterior motives arising from an ongoing property dispute. It is further asserted that the injuries sustained by Ali Hassan and Nadir Ali are self-inflicted, aimed at strengthening a fabricated case against the applicant. The role attributed to the applicant/accused is described as unreliable and doubtful, necessitating thorough investigation. It is contended that the version presented in the FIR is superficial, inconsistent, and lacks credibility, failing to convince a reasonable mind, therefore, the matter calls for further inquiry under Section 497(2) of the Cr.P.C. Lastly, he prayed for the grant of post-arrest bail to the applicant/ accused.

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JUDGE