

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

(i) Cr. Bail Appln No. S-554 of 2025

Applicant : Abdul Wajeed s/o Abdul Majeed, Kalwar
Through Mr. Alam Sher Bozdar, Advocate

(ii) Cr. Bail Appln No. S-560 of 2025

Applicant : Ali Jan s/o Qalandar Bux, Kalwar
Through Mr. Altaf Shah Advocate

AND

(iii) Cr. Bail Appln No. S-615 of 2025

Applicant : Yasir Abbas s/o Ahmed Ali @ Sher Dil, Kalwar
Through Mr. Abdul Mujeeb Shaikh, Advocate

Complainant : Arshad Ali s/o Nawab Ali, Kalwar
Through Mr. Imtiaz Ali Abbasi, Advocate

The State : Through Mr. Mansoor Ahmed Shaikh, Deputy
Prosecutor General

Date of hearing : 19.09.2025

Date of order : 09.10.2025

ORDER

KHALID HUSSAIN SHAHANI, J.– By this single order, above three bail applications are addressed. The above-named applicants seek post-arrest bail in a case bearing crime No.81/2025, for offences under Sections 302, 460, 397, 506/2 and 34 PPC, registered at Police Station SITE Area Sukkur,. Previously, the bail pleas of above named accused were declined by the Court of learned Additional Sessions Judge-II, Sukkur, vide order dated 05.06.2025.

2. The complainant, Arshad Ali Kalwar, lodged an FIR on 13.05.2025 at 2200 hours, alleging therein that on 12.05.2025 at 10:00 P.M, three-armed persons entered his house, aimed pistols at them, and demanded all available gold. His father, Nawab Ali, stated that there was

no gold. One of the accused then took a knife (*churi*) from the house and inflicted injuries on Nawab Ali's left cheek, right side of the neck, and back of the neck. Blood started oozing from the wounds and Nawab Ali felling. Due to fear of weapons, the complainant party remained silent. The accused searched for gold but found nothing and fled after threatening to kill them. Later, Nawab Ali died due to his injuries, and the complainant reported the incident to the police after the funeral formalities, leading to the FIR.

3. Mr. Alam Sher Bozdar, counsel for applicant Abdul Wajeed, argued that the applicant's name does not appear in the FIR but only in subsequent statements recorded belatedly the names of the applicants were given. He emphasized that both the complainant and accused reside in the same locality, making it surprising that no identification was made at the scene. No identification parade was held during investigation, nor was any recovery made from the applicant. Additionally, applicant Abdul Wajeed is a juvenile, aged 17-18 years. It is also contended that the accused are innocent and falsely implicated due to a longstanding property dispute. All prosecution witnesses are closely related to the complainant, making their testimony interested. He referred the case law reported as 2008 YLR 1632, 2008 PLD Lahore 191, 2009 YLR 387, 2011 P.Cr.L.J 1520, 2025 YLR 1061, 2024 YLR 1452, 2018 YLR 1798, 1996 SCMR 1125, 2025 SCMR 935, 2024 SCMR 476, and 2017 SCMR 633.

4. M/s Abdul Mujeeb Shaikh and Altaf Shah Advocates for applicants Ali Jan and Yasir Abbas adopted the arguments advanced by Mr. Bozdar and prayed for confirmation of bail. Counsel for Ali Jan also

placed reliance on case reported as 2011 SCMR 161, 2021 SCMR 629, 2019 YLR Note 62 and 2018 YLR Note 206.

5. Learned DPG and counsel for the complainant opposed bail, submitting that applicant Yasir Abbas was specifically assigned the role of causing Nawab Ali's death by knife blows, with others assisting him. They entered the house together and are vicariously liable. The FIR was lodged promptly, and accused were identified soon after by the complainant and witnesses in their further statements. The complainant's counsel cited several relevant cases reported as 2021 YLR Note 47 2024 MLD 1147, 2020 P.Cr.L.J Note 85, 2021 P.Cr.L.J Note 4 and 2024 MLD 1147.

6. The record shows that no specific role assigned to the applicants, and their names were not given in the FIR, which was delayed by one day without satisfactory explanation. The complainant named the applicants only in a supplementary statement recorded two days after the incident, without explaining how he identified them. It is well settled that a belated supplementary statement lacks evidentiary value (*Abid Ali alias Ali v. The State*, 2011 SCMR 161). Since both parties live in the same area, failure to identify the applicants at the spot and giving names later without explanation weakens the prosecution's case, especially when there exists property dispute. The complainant's inconsistent statements further raise doubts. Applicants Abdul Wajeed and Ali Jan did not cause injury to the deceased, so their vicarious liability or common intention for murder will be determined by the trial court after evidence is recorded. The case falls under Section 497(2) Cr.P.C. for further inquiry. The case

has been challaned, and the applicants are no longer needed for investigation.

7. For these reasons discussed above, the applicants have *prima facie* made out a case for post-arrest bail. Accordingly, aforementioned three bail application are allowed and the applicants are admitted to post-arrest bail, subject to furnishing a solvent surety in the sum of Rs.500,000/ (Rupees five Hundred Thousand) each and P.R bonds in the like amount to the satisfaction of the trial court. The observations hereinabove made are tentative and do not prejudice the trial's merits.

Office is directed to place a signed copy of this order in the connected matters.

J U D G E