

**IN THE HIGH COURT OF SINDH CIRCUIT COURT AT  
HYDERABAD**

**Criminal Bail Applications No.S-547 & S-548 of 2025**

Applicant : Rano Khan son of Wali Muhammad Mashori through Syed Shahzad Hyder Shah, Advocate

Complainant : Nadeem Raja through M/s. Muhammad Hashim Laghari & Muhammad Ayoub Laghari, Advocates

The State : Through Ms. Sana Memon, A.P.G., Sindh

Date of Hearing : 26.08.2025

Date of Order : 26.08.2025

**ORDER**

**Jan Ali Junejo, J.-** The applicant/accused, namely Rano Khan son of Wali Muhammad Mashori, has applied for post-arrest bail under Section 497 Cr.P.C in Crime No.476 of 2024 registered at Police Station A-Section Nawabshah for the offences under Sections 302/324/114/504/337-H(ii)/34, P.P.C. and Crime No.01 of 2025 registered at P.S. A-Section Nawabshah for the offence under Sections 24/25, of the Sindh Arms Act, 2013. His earlier bail applications before the learned 1st Additional Sessions Judge, Shaheed Benazirabad, were declined vide orders dated 16.04.2025 respectively.

2. The brief facts, as set out in the FIR lodged by complainant Nadeem Raja Lakho, are that on 16.12.2024 at about 8:00 p.m., the complainant along with his brother Waheed Hussain @ Umair (deceased) and other relatives was passing through Gulshan Bhattai Colony, Nawabshah, when they were intercepted by accused persons namely Asad, Imtiaz, Azad, and the present applicant Rano Khan, all duly armed with firearms. On the instigation of co-accused Saifal, accused Asad and Imtiaz caught hold of the deceased, while all the accused persons fired upon him with weapons, causing multiple firearm injuries on different parts of the body, resulting in his death. It is further alleged that the accused persons also made straight firing upon the complainant party with the intention to commit their murder, and resorted to aerial firing, thereby creating terror and harassment in the locality.

3. The prosecution case in the connected matter is that on 02.01.2025, complainant/SIP Ghulam Shabir Dalwani lodged an FIR stating that during interrogation of the accused in Crime No.476 of 2024 (registered under Sections 302, 324, 114, 504, 337-H(ii), 34 PPC), the present applicant confessed to having concealed the crime weapon. Pursuant to his pointation, a recovery of one 30-bore unlicensed pistol along with a magazine containing two live bullets was effected from beneath bricks in an open plot situated in Gulshan-e-Bhitai Colony. The recovered weapon was duly seized, sealed, and secured in the presence of mashirs, and thereafter, the instant case was registered against the applicant.

4. Learned counsel for the applicant argued that the applicant has been falsely implicated in the case on account of admitted enmity and being the maternal uncle of co-accused. It is submitted that the FIR is delayed by about 25 hours, which reflects consultation and deliberation, and no independent witness has been cited by the complainant. It is further contended that no specific role, part or injury is attributed to the applicant, as general allegations of firing have been levelled which are in conflict with medical evidence. Learned counsel emphasized that co-accused Saifal has already been granted pre-arrest bail, while co-accused Asad has been admitted to post-arrest bail; hence, under the rule of consistency, the applicant also deserves the concession of bail. It is further argued that the recovery of weapon is foisted and planted after the applicant surrendered himself before the Court, therefore such recovery is doubtful. It is submitted that challan has already been submitted, the applicant is no more required for investigation, and his further detention would serve no useful purpose. Learned counsel prayed for grant of post-arrest bail in both the murder case as well as the connected weapon case.

5. Conversely, learned counsel for the complainant vehemently opposed the bail plea by submitting that the applicant is specifically named in the FIR with a direct and active role of firing upon the deceased along with co-accused Azad, which is corroborated by ocular account, post-mortem report and forensic evidence. It is argued that the recovery of pistol effected on the pointation of the applicant is duly supported by the FSL report, which confirmed that one of the empties recovered from the scene matched with the recovered weapon, thereby connecting the applicant directly with the commission of offence. Learned counsel further contended that the plea of false implication and enmity cannot be considered at this stage, as enmity itself provides motive for the commission of the offence. It is urged that the case falls within the

prohibitory clause of Section 497 Cr.P.C. being punishable with death or imprisonment for life, and no ground for further inquiry is made out. Hence, it is prayed that the bail application may be dismissed. The learned counsel has relied upon the case laws i.e. 1. 2022 YLR Note 110; and 2. 2016 P.Cr.L.J. Note 5.

6. Learned A.P.G. for the State also opposed the bail plea and adopted the arguments advanced by the learned counsel for the complainant. She argued that the applicant is not a mere spectator but an active participant who opened fire at the deceased with intention to commit murder. The ocular account is corroborated by medical and forensic evidence, while the recovery of the pistol on pointation of the applicant and its matching with crime empties further strengthens the prosecution case. She submitted that the offence is heinous, falling within the prohibitory clause, and in such circumstances, no case for bail is made out. Learned A.P.G. prayed for dismissal of the instant bail application.

7. I have given my anxious consideration to the respective arguments advanced by the learned counsel for the parties and have carefully examined the material available on record with the tentative assessment permissible at the stage of bail. From such assessment, it appears that the applicant is not a mere spectator but is specifically nominated in the FIR with the active role of firing upon the deceased along with co-accused Azad, which ultimately resulted in his death. The ocular account furnished by the complainant and eye-witnesses is natural, straightforward, and confidence-inspiring, and no material has been brought on record at this stage to suggest that the said witnesses were either inimical to the applicant or had any ulterior motive to falsely implicate him in so grave a charge. Their version finds due corroboration from the medical evidence, as the post-mortem report confirms that the deceased had sustained multiple firearm injuries on different parts of the body, and the cause of death was shown as shock and hemorrhage resulting from such injuries, which fully aligns with the eyewitness account.

8. The contention raised by learned counsel for the applicant regarding delayed lodging of FIR also does not create any dent in the prosecution case. The occurrence, as reflected in the record, took place at 8:00 p.m. on 16.12.2024, whereas the FIR was registered the following evening. The complainant has explained the delay by stating that the first priority of the family members was to shift the injured to hospital for medical treatment, where unfortunately he succumbed to injuries, and thereafter the family was engaged in completing burial and related

formalities. In such circumstances, the delay in registration of FIR stands reasonably explained and, as a settled principle of law, mere delay in FIR is not per se sufficient to discard the prosecution case if the same is otherwise supported by strong ocular and medical evidence.

9. It may further be observed that at the bail stage the Court is not required to conduct a deeper appreciation of evidence or to test the veracity of witnesses through the lens of cross-examination; rather, a tentative assessment is to be undertaken to see whether sufficient material exists to connect the accused with the commission of the offence. In the present case, the direct nomination of the applicant with the role of firing, coupled with medical evidence corroborating the ocular account, prima facie brings the case of the applicant within the ambit of Section 497(1) Cr.P.C. being punishable with death or imprisonment for life. Thus, the plea of the applicant that he has been falsely implicated or that the prosecution case suffers from infirmities does not, at this stage, appear to carry weight so as to entitle him to the concession of bail.

10. The plea raised on behalf of the applicant regarding the rule of consistency, on the ground that co-accused Saifal and Asad have already been admitted to bail, is also misplaced. The record reflects that the role attributed to those co-accused is materially distinguishable from that of the present applicant. Co-accused Saifal is alleged only to have instigated the incident, while co-accused Asad was assigned the role of catching hold of the deceased, and both were admitted to bail on the basis of lesser roles attributed to them. In contrast, the applicant is specifically assigned the active role of firing at the deceased along with co-accused Azad, which firing resulted in multiple firearm injuries ultimately causing death. The law on the subject is settled that the principle of consistency does not apply in a mechanical manner and cannot be extended where the role of an accused is materially different and graver than that of a co-accused who has been enlarged on bail.

11. In the present case, the ocular account clearly implicates the applicant as one of the principal perpetrators of the fatal act, and such account is fortified by medical as well as forensic evidence. Thus, the case of the applicant cannot be equated with that of the co-accused who were admitted to bail on entirely different considerations. Reliance in this regard may be placed on authoritative pronouncements of the Honourable Supreme Court wherein it has been held that the rule of consistency is attracted only when the role assigned and the evidence available against the accused persons is identical in nature. Since the present applicant

stands on a different footing, his case does not fall within the ambit of the said rule, and therefore he cannot claim the concession of bail on the ground of consistency. Reliance is placed on the case of **Muhammad Atif v. The State and another (2024 SCMR 1071)**, wherein the Honourable Supreme Court of Pakistan was pleased to hold that: *“The rule of consistency applied in bail matters is premised on the fundamental right to equality before the law guaranteed under Article 25 of the Constitution of Pakistan. This right to equality before the law ensures that persons similarly placed in similar circumstances are to be treated in the same manner. In other words, among equals the law should be equally administered; the like should be treated alike. Article 25 of the Constitution does not prohibit different treatment to persons who are not similarly placed or who are not in similar circumstances. To claim equality before the law an accused person must therefore show that he and his co-accused who has been granted bail are similarly placed in similar circumstances. In other words, he must show that the prosecution case, as a whole, against him is at par with that against his co-accused who has been granted bail, and not distinguishable in any substantial aspect. The rule of consistency is also pillared on Articles 4 and 10A of the Constitution ensuring that level playing field and fairness is maintained in adjudicating cases of co-accused. The right to liberty under Article 9 of the Constitution has to be extended fairly and without discrimination to an applicant seeking bail. The rule of consistency in bail matters is fundamental to ensuring fairness, reducing arbitrary decision-making, and maintaining public confidence in the criminal justice system. It’s a key aspect of the rule of law, ensuring that all individuals are treated equally under the law”*.

12. The record convincingly demonstrates that during the course of investigation, on 02.01.2025, a recovery of one 30-bore pistol loaded with two live bullets was effected at the instance of the present applicant, who led the police party to an open plot and pointed out the place where the weapon was concealed beneath bricks. The recovery proceedings were duly conducted in accordance with law and the weapon was sealed and secured in the presence of mashirs, whose names find mention in the recovery memo. Such recovery did not remain in isolation, as the Forensic Science Laboratory report further substantiates the prosecution version by confirming that one of the empties secured from the scene of occurrence had been fired from the recovered pistol. This scientific evidence provides a strong and independent corroboration to the ocular account and establishes a direct nexus between the applicant and the commission of the offence. The plea raised by the learned counsel that the recovery is

foisted appears to be without force, inasmuch as the same is supported by contemporaneous documentary material and an impartial forensic report, which at the bail stage cannot be lightly brushed aside. Thus, the cumulative effect of the ocular account, medical evidence, recovery of the weapon, and positive forensic report prima facie connects the applicant not only with the principal offence of murder but also with the possession of an unlicensed weapon which was allegedly used in the commission of the crime.

13. The plea of further inquiry under Section 497(2) Cr.P.C. has also been pressed on behalf of the applicant; however, in the facts and circumstances of the present case, the same does not appear to be attracted. The role attributed to the applicant is neither vague nor general in nature but is specific and categorical, as he has been charged with the act of firing directly upon the deceased along with co-accused Azad. Such active participation, which culminated in the death of the deceased, prima facie brings his case within the ambit of Section 497(1) Cr.P.C. The ocular account furnished by the complainant and other eye-witnesses is consistent and confidence-inspiring, and the same is corroborated not only by the post-mortem report but also by the positive forensic report which links the recovered weapon, on pointation of the applicant, with the crime empties secured from the place of occurrence. At this stage of proceedings, such corroborative material cannot be disregarded or brushed aside merely on the basis of bald assertions of false implication. The plea of enmity raised by the learned defence counsel also does not advance the applicant's case. It is a settled principle of law that enmity is a double-edged weapon; while it may in some cases provide a basis for false implication, in the present case it constitutes a strong motive for the commission of the offence. When the ocular account of natural witnesses stands supported by medical and scientific evidence, mere existence of enmity is not sufficient to create any reasonable doubt or to bring the case within the scope of further inquiry. The reliance placed by the applicant on the bail granted to co-accused is also misplaced, as the roles assigned are materially distinguishable, and the principle of consistency cannot be extended to an accused whose role is graver and directly connected with the fatal act. The offences with which the applicant stands charged are punishable with death or imprisonment for life, squarely falling within the prohibitory clause of Section 497 Cr.P.C. The gravity of the charge, coupled with the strength of the prosecution evidence available at this stage, disentitles the applicant from the concession of bail. Accordingly, no case for release of the applicant on bail, either in the main case under

Sections 302, 324, 114, 504, 337-H(ii), 34 PPC or in the connected case under Sections 24 and 25 of the Sindh Arms Act, 2013, has been made out. Resultantly, both bail applications filed by the applicant are liable to be dismissed.

14. For the foregoing reasons, both the bail applications, being devoid of merit, are hereby dismissed. It is, however, clarified that the observations made herein are tentative in nature, confined to the disposal of the instant applications, and shall not prejudice the case of either party during trial, which shall be decided strictly on its own merits. These are the reasons of short order dated 26.08.2025.

**JUDGE**