

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S-746 of 2025

Applicant : Ghulam Nabi son of Chakar by caste Sanwand
Through Miss Fareeda Bhayo Advocate

The State : Through Mr. Mansoor Ahmed Shaikh, DPG

Date of hearing : 10.09.2025
Dated of order : 15.09.2025

ORDER

KHALID HUSSAIN SHAHANI, J.— Applicant Ghulam Nabi seeks post arrest bail in a case bearing crime No.110/2023, for offences under Sections 302, 311, 34 PPC, registered at Police Station Sarhad, district Ghotki.

2. Facts in nutshell are that complainant ASI Noor Muhammad Kolachi lodged the FIR on 22.09.2023 alleging therein that accused Ghulam Nabi son of Chakar by caste Sanwand along with two unknown culprits committed the murder of his wife Mst. Morzadi @ Moran by leveling the allegation of *KARI*.

3. Learned counsel for the applicant submits that applicant is innocent and has falsely been implicated in this case; that PWs Mst. Ajab Khatoon Miandad and Mst. Aman Khatoon real mother, brother as well as sister in law of deceased respectively have filed their affidavits before the trial Court and raised no objection for grant of bail, inspite of that learned trial Court has refused to grant the bail to the applicant; that it is not possible that applicant has committed the murder of deceased in present of complainant party, who are police officials, hence case of applicant requires further inquiry and he is entitled for the concession of bail.

4. Conversely learned Deputy P.G for the State raised objection for grant of bail to the applicant on the ground that specific role of causing firearm injury to deceased is attributed to the applicant, who has committed the murder

of his wife by leveling the allegation of KARI; that applicant was arrested on 18-04-2025 from Taunsa Sharif, District D.G Khan of Punjab; that legal heirs of deceased including four brothers and sister have not filed their affidavits and offence is not compoundable; therefore he is not entitled for the concession of bail.

5. Heard learned counsel for the parties and perused the material available on record.

6. Perusal of FIR shows that complainant ASI Noor Muhammad Kolachi after receipt of spy information proceeded towards the pointed place where they heard the noise of deceased lady Mst. Morzadi @ Moran that she is not KARI, hence do not kill her and complainant saw that within his sight accused Ghulam Nabi caused fire shot to Mst. Morzadi @ Moran at her forehead and after receipt of such firearm she died at the spot. An offence committed in the name or on the pretext of honour was excluded from the definition of '*qatl-i-amd*' as contained in Section 302 Clause (c) of PPC, as the phrase "in the name or on the pretext of honour" inserted in the first proviso to Section 302(c) of PPC clearly indicates that the murder of (Morzadi @ Moran) committed in the name or on the pretext of honour had to be calculated as a murder committed with premeditation in the background of honour. As per provisions of sub-section (7) to Section 345 of Cr.P.C, no offence shall be waived or compounded save as provided by this Section and section 311 of PPC. Another significant amendment has been introduced by amending section 299 of PPC and introducing clause (ee) through the Criminal Law (Amendment) (Offences in the Name or on Pretext of Honour) Act, 2016, whereby an offence that has been committed in the name or on the pretext of honour has been categorized as an offence falling within the meaning of '*fasad-fil-arz*'. As per provisions of section 311 of PPC, if the principle of *fasad-fil-arz* is attracted, the court may having regard to the facts and circumstances of the case, punish

an offender against whom the right of *qisas* has been waived or compounded with death or imprisonment of life or imprisonment of either description for a term of which may extend to fourteen years as *ta'zir*. The sole proviso to this section further provides that if the offence has been committed in the name or on the pretext of honour, the punishment shall be imprisonment for life. In view of the amendments as made in sections 299(ee), section 302(c) and section 311 PPC read with proviso to section 345(2-A) and 345 (7) of Cr.P.C, a accused in an honour killing case, still can face sentence of imprisonment for life even if legal heirs of a victim have settled the matter by way of compromise and pardoned the accused. Therefore, the applicant/accused is not entitled to be released on bail on the basis of any affidavits filed by the legal heirs of the deceased whereby they have compounded the offence as in view of provisions of Sections 345(2-A) & 345(7) of the Cr.P.C., no offence shall be waived or compounded save as provided by the provisions of section 311 PPC.

7. In view of above, the applicant has failed to make out a case for grant of bail, hence the instant bail application is dismissed. The observation made above tentative in nature and shall not affect the case of either party.

J U D G E