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ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA  
1<sup>st</sup> Crl. Bail Application No.S-596 of 2024

Date	Order with signature of Hon'ble Judge
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1. For orders on office objection.
2. For hearing of Bail Application.

Mr. Muhammad Afzal Jatui, advocate along with the applicant.  
Mr. Ali Anwar Kandhro, Additional Prosecutor General.  
Mr. Saeed Ahmed B. Bijarani, advocate for the complainant.

Date of Hearing : 14.01.2025.  
Date of decision : 14.01.2025.

ORDER

**Omar Sial, J.-** Ayaz Ahmed *alias* Ayas Ali has sought pre-arrest bail in crime number 62 of 2024 registered under sections 302, 506/2, 337-H(ii), 147, 148 and 149 P.P.C. at the Tangwani police station.

2. It was Jamul Khatoon's complaint that ended up with the registration of the F.I.R. on 20.09.2024. She recorded that on 30.08.2024, 16 armed men had come to their land, and after an exchange of harsh words, accused Zahoor Ahmed shot at and injured her husband Ali Akbar while accused Manzoor Ahmed hit her husband on his hand with the stick he carried. The applicant, carrying a Kalashnikov, hit Akbar Ali on his foot with the butt of his weapon. Ali Akbar subsequently died.

3. I have heard the learned counsels for the applicant, the complainant, and the learned Additional Prosecutor General. My observations and findings are as follows.

4. There is a substantial delay in the registration of the F.I.R., which is entirely unexplained. Keeping in mind the nature of the incident and the background of tribal enmity between the parties, the delay does create some doubt at this preliminary stage about the accuracy and the authenticity of the complainant's version of events.

5. The investigating officer declared the applicant innocent, but the learned magistrate disagreed with the police recommendation. This,

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coupled with the fact that the record *prima facie* shows that the applicant, a high school teacher, was in his school when the incident is said to have occurred, creates doubt about whether the net has been thrown wide because of *malafide*.

6. I also find it rather unusual that an admittedly *parda-nasheen* woman is the complainant in the case, even though many male members of the family were present. It is equally strange that she, also being a housewife, identified with such precision sixteen men who had come to kill her husband.

7. The applicant's role is confined to hitting the deceased on his foot with the butt of the weapon he carried. It will have to be determined at trial whether he shared a common intention with those accused who allegedly shot at and killed Akbar Ali. Upon a tentative assessment, it seems that had the applicant's intention to kill, nothing was stopping him from firing his weapon at the deceased. Of course, the learned trial court will give a final finding on this aspect after evaluating the evidence produced at trial.

8. Learned counsel for the complainant categorically submitted that under instructions from his client, he has no objection if the applicant is granted bail. While his no-objection carries little weight, I have considered it an aspect creating doubt at this preliminary stage when coupled with the above observations.

9. Upon a tentative assessment, the record reflects that the case against the applicant requires further inquiry. The interim pre-arrest bail given to him earlier is confirmed on the same terms and conditions.

  
14/1/25  
JUDGE