

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S-1039 of 2025

Applicants : 1) Manan Ali son of Godho Khan, Kolachi
2) Noman son of Godho Khan, Kolachi
Through Mr. Liaqat Ali Malano, Advocate

The State : *Through Mr. Mansoor Ahmed Shaikh*

Date of Hearing : 08.12.2025

Date of Decision : 08.12.2025

ORDER

KHALID HUSSAIN SHAHANI, J.— The applicants herein seek confirmation of the ad-interim pre-arrest bail already granted to them by this Court on 27.10.2025, relating to Crime No.96 of 2025, for offences under sections 302, 324, 114, 337-H(ii), 147, 148, and 149 PPC, registered at Police Station A-Section, District Ghotki.

2. The prosecution case, as derived from the FIR lodged by complainant Manzoor Ahmed on 01.04.2025, narrates that on the eventful day, a verbal altercation arose between the complainant's party and the accused Hammad alias Kalu Kolachi over children-related disputes. Thereafter, at about 1610 hours, a group including accused Hammad, Mir Hassan, Faisal alias Kaka (armed with pistols), Aftab alias Godho, Aamir alias Shabbi (with pistols), Naveed (with a Kalashnikov), Zaffar (with a *lathi*), Fahad (with a repeater), Raja (with a *lathi*), and two unidentified persons, allegedly initiated a violent attack. It is alleged that the accused, on the instigation of Naveed, opened fire leading to the death of Waheed Murad, the father of the complainant, who was shot below the right armpit. Injuries were also sustained by Rehman Waheed and Muhammad Hussain from firearm discharges, while the remaining accused allegedly engaged in aerial firing to terrorize the complainant's party. The attackers subsequently fled the scene shouting slogans. The complainant states he obtained medical treatment certificates and postmortem reports before registering the FIR.

3. Subsequent to investigation, the I/O submitted the final challan before the competent court, revising the charges by deleting Section 302 PPC and instead including sections 319, 324, 147, 148, 149, 337-H(ii), 337-F(v), and 333-F(ii) PPC.

4. Counsel for the applicants contends that the applicants are innocent, having been falsely implicated due to a prior enmity acknowledged by the complainant himself in the FIR. Notably, the names of Manan and Noman do not appear in the original FIR and only surfaced reportedly through post-FIR investigation, possibly from CCTV footage and further statement of complainant recorded under Section 162 Cr.P.C. The applicants' counsel further highlights the existence of a counter-FIR (Crime No.100/2025) lodged by the applicants' party against the complainant party, alleging injuries caused to co-accused Godho Khan and others on the same date, thus articulating a disputed factual matrix warranting further inquiry.

5. Conversely, learned Deputy Prosecutor General duly assisted by the complainant strongly opposed confirmation of bail, citing the grave nature of offences which pertain to murder and armed violence.

6. The Court has attentively considered the arguments of both sides and scrutinized the available record. It is significant that the initial FIR does not mention the applicants by name, thus weakening the evidentiary basis against them at this stage. The statements relied upon by the prosecution were recorded under Section 162 Cr.P.C more than a month after the incident, which diminishes their reliability as primary evidence. Moreover, the investigation report references CCTV footage produced by accused Mir Hassan indicating an incident where the complainant Manzoor may have discharged a firearm causing fatal injury to his own father, Waheed Murad. The learned Deputy Prosecutor General, however, introduced another piece of CCTV footage produced by the complainant, purportedly showing the applicants assaulting the deceased with lathi blows. Both sets of CCTV footage were submitted to the

Forensic Science Laboratory for verification, and the reports declared both genuine. This conflicting visual evidence underscores the complexity of the factual scenario, which must be meticulously adjudicated at trial to determine the actual aggressor.

7. It is also instructive that pre-arrest bail had already been granted to several co-accused persons, including Godho Khan alias Aftab, Fahad Mir, Zaffar, Aamir Ali alias Shabi, Naveed Ali, and Hammad alias Kalu by learned trial courts, reflecting the judiciary's cautious approach towards restraining freedom at the interim stage.

8. Given that the investigation is complete, the case has been challaned, and the material on record reveals disputed facts which necessitate further inquiry under the principles envisaged in Section 497(2) Cr.P.C. Accordingly, the Court finds that the applicants are entitled to the protective ambit of interim pre-arrest bail, which is hereby confirmed on the terms and conditions as originally ordered. The applicants must continue to cooperate with the investigation and trial process.

9. The observations made herein are tentative and constrained by the limited record before the Court; they do not prejudice the rights of either party at trial.

JUDGE