

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
LARKANA**

Criminal Bail Appln. No. S-716 of 2025

Applicants	Irshad and Ghulam Shabir, both sons of Tillan Bajkani, Through Mr. Altaf Hussain Surahio, advocate
Complainant	Complainant Zafar Ali (called absent)
The State	Mr. Aitbar Ali Bullo, D.P.G for the State
Date of hearing	05-01-2026
Date of order	05-01-2026

ORDER

MIRAN MUHAMMAD SHAH, J.- Through instant Criminal Bail application, applicants/accused Irshad and Ghulam Shabir seek post-arrest bail in Crime No.93/2023, for offence U/S 302, 324, 337-A(i), 337-A(vi), 337-F(i), 337-F(v), 147, 148, 149 P.P.C, registered with Police Station, B-Section Kandhkot, after rejection of their bail plea by the learned trial court vide order dated 08.12.2025.

2. The facts of the prosecution case are that on 08.07.2023, the applicants/accused, along with other co-accused, attempted to commit the murder of Khan Muhammad, Muhammad Aalim, Mehrab, and Ghulam Nabi by causing firearm shots and lathi-blow injuries. Initially, the case was registered under Sections 324, 337-A(i), and 337-F(i), P.P.C. Subsequently, injured Ghulam Nabi succumbed to his injuries during treatment at Larkana Hospital, whereupon Section 302 P.P.C. was added to the case.

3. Learned counsel for the applicants submits that the applicants/accused are innocent and have been falsely implicated in the present case. It is contended that no role has been attributed to the applicants regarding the injuries caused to deceased Ghulam Nabi. It is further submitted that the role assigned to applicant/accused Irshad is one of mere presence, which is similar to that of co-accused Arbab Ali Bajkani, who was granted bail by this

Court vide order dated 02.10.2025. So far as applicant/accused Ghulam Shabir is concerned, learned counsel submits that he allegedly fired shots from a T.T. pistol at injured Khan Muhammad, and the injuries so caused have been declared simple in nature. It is further argued that the Sections attributed to applicant No.2 in the case do not fall within the prohibitory clause of Section 497(1) Cr.P.C. Learned counsel further submits that the question of sharing common intention and vicarious liability is yet to be determined and shall be adjudicated upon after the conclusion of the trial, particularly as to which accused caused which injury. In support of his contentions, learned counsel has placed reliance upon *Mumtaz Hussain and 5 others v. The State (1996 SCMR 1125)*. Ultimately, he has prayed for the grant of post-arrest bail to the applicants/accused.

4. Learned D.P.G. submits that the role attributed to applicant/accused Irshad is one of mere presence and, on this ground, co-accused Arbab Ali Bajkani was granted bail by this Court; therefore, he has no objection to the grant of bail to applicant/accused Irshad. However, he has raised objection to the grant of bail to applicant/accused Ghulam Shabir on the ground that he has caused injuries to injured Khan Muhammad.

5. Heard learned counsel for the applicants and learned D.P.G. In this case, notice was issued to the complainant. The process server appeared before the Court and submitted that the complainant is absconding in various cases and that his whereabouts are presently unknown.

6. I have gone through the record as well as the bail order dated 02.10.2025, whereby bail was granted to co-accused Arbab Ali Bajkani on the ground that only his presence at the scene of offence was shown and no specific role was attributed to him. Insofar as the case of applicant/accused Ghulam Shabir is concerned, he is alleged to have caused injuries only to injured Khan Muhammad and not to the deceased, and the injuries attributed to him have been declared

simple in nature. Moreover, the sections applied do not fall within the prohibitory clause of Section 497(1) Cr.P.C.

7. It appears that the occurrence took place in a mob-like situation, where a number of persons were present and were scuffling with each other; therefore, it is yet to be established as to which accused caused which injuries. The question of sharing of common intention or common object requires further inquiry in terms of Section 497(2) Cr.P.C. and shall be finally determined after the conclusion of the trial.

8. Consequently, the applicants/accused are admitted to post-arrest bail, subject to furnishing their solvent surety in the sum of Rs.300,000/- (Rupees three Hundred Thousand only) each and P.R. bond in the like amount to the satisfaction of the learned trial Court.

9. Needless to mention here that observations made hereinabove are tentative in nature and would not prejudice the case of either party at the time of conclusion of case.

JUDGE

Abdul Salam/P.A