

IN THE HIGH COURT OF SINDH CIRCUIT COURT
LARKANA

Criminal Bail Application No. S-332 of 2026

Applicant : Nasrullah @ Nasro son of Shafi
Muhammad, *through* Mr. Altaf
Hussain Surahio, Advocate.

The State : Through Mr. Nazir Ahmed
Bhangwar, Deputy Prosecutor
General, Sindh.

Complainant : Ghulam Yasin *through* Mr. Saeed
Ahmed B. Bijarani, Advocate

Date of Hearing : 10.08.2026
Date of Order : 10.08.2026.

ORDER

Ali Haider 'Ada' J.- Through this bail application, the applicant seeks post-arrest bail in Crime No.03 of 2020, registered at Police Station Haji Khan Shar, District Kashmore, at Kandhkot, for offences punishable under Sections 302 and 149, P.P.C. Before approaching this Court, the applicant had moved an application for post-arrest bail before the learned trial Court, which was dismissed.

2. The prosecution case, as set out in the FIR, is that the applicant, duly armed with a Kalashnikov, along with his co-accused, allegedly participated in the occurrence and fired upon the deceased. The allegation against the present applicant is that the fire shot attributed to him hit the deceased on the left thigh and left little finger of the hand.

3. Learned counsel for the applicant contended that the deceased was a hardened criminal and was involved in several criminal cases and that, due to such previous enmity, he was done to death, whereas the present applicant has been falsely implicated in the instant case. He further submitted that, even according to the FIR, the role attributed to the applicant is confined to firing upon non-

vital parts of the deceased's body, which aspect requires determination at trial. Regarding the applicant's absconsion, learned counsel submitted that the applicant was arrested in 2026 and that absconsion, by itself, is not a sufficient ground for refusal of bail, particularly when the case otherwise calls for further inquiry.

4. Conversely, learned counsel for the complainant, as well as learned Deputy Prosecutor General, opposed the bail application, contending that the applicant is specifically nominated in the FIR and was armed with a Kalashnikov and actively participated in the occurrence, resulting in the death of the deceased. They therefore submitted that the applicant does not deserve the concession of bail.

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

6. Perusal of the record reveals that in the police papers relating to the occurrence, including the memo of inspection of the dead body and the relevant police entry dated 30.05.2020, no one had initially disclosed the name of the present applicant as an assailant. Furthermore, there is a delay of one day in registration of the FIR, for which no plausible explanation has been furnished. Such unexplained delay, coupled with the aforesaid circumstances, prima facie requires further probe as to whether the nomination of the applicant was the result of subsequent deliberation and consultation. In this regard, reliance may be placed upon the judgment of the Hon'ble Supreme Court in **Mazhar Ali v. The State (2025 SCMR 318)**.

7. The record further reflects that the role attributed to the present applicant is of causing firearm injuries to the left little finger of the deceased's hand and to his left thigh. Both injuries were on non-vital parts of the body and, as per the medical evidence available on record, were not the cause of death. Moreover, no specific fatal injury has been attributed to the present applicant. The

role of causing the injuries relevant to the cause of death appears to have been attributed to other co-accused. In such circumstances, the question as to whether the applicant shared the common object or common intention to cause the death of the deceased, and the precise extent of his liability, requires further examination at trial. The superior Courts have consistently held that where the injury attributed to an accused is on a non-vital part of the body and is not shown to be the cause of death, the question of his liability may fall within the ambit of further inquiry, depending upon the facts and circumstances of each case. Reliance in this regard may be placed upon **Jamaluddin v. The State (2023 SCMR 1243)**, **Ali Raza v. The State (2022 SCMR 1245)**, **Akhtar Ullah alias Akhtar Ali v. The State (2021 SCMR 1287)**, **Aijaz alias Aijaz Ali Jafferri v. The State (2026 MLD 713)** and **Nishan Ali v. The State (2025 YLR 2812)**.

8. As regards the applicant's absconsion, it is settled that absconsion, by itself, is not an absolute bar to the grant of bail where, based on the available material, the accused has otherwise made out a case of further inquiry. Reliance in this regard is placed upon **Mitho Pitafi v. The State (2009 SCMR 299)**.

9. In view of the foregoing tentative assessment of the material available on record, the case of the applicant calls for further inquiry within the meaning of Section 497(2), Cr.P.C. Consequently, this bail application is allowed. The applicant is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and a P.R. bond in the like amount to the satisfaction of the learned trial Court.

10. Needless to observe that the observations made hereinabove are tentative in nature and shall not prejudice either party at the trial, where the learned Trial Court shall decide the case strictly on the basis of the evidence brought on record.

J U D G E