

IN THE HIGH COURT OF SINDH CIRCUIT COURT
LARKANA

Criminal Bail Application No. S-113 of 2026

Applicant : Sadam Hussain son of Ali Akbar
Magsi, *through* Mr. Farhat Ali Bugti,
Advocate.

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

Complainant : Wahid Bux son of Raza Muhammad,
through Mr. Muhammad Ali A.
Peerzada, 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.181 of 2025, registered at Police Station "A" Section, Shahdadkot, for offences punishable under Sections 324, 504, 148 and 149, P.P.C. Prior to approaching this Court, the applicant had approached the learned trial Court for the same relief; however, his bail application was declined.

2. The crux of the prosecution case, as reflected from the record, is that on 04.09.2025, the applicant, Sadam Hussain, along with other co-accused, allegedly opened fire upon the injured, namely Khuda Bux, who sustained firearm injuries. Initially, the F.I.R. was registered for offences punishable under Sections 324, 504, 148 and 149, P.P.C. Subsequently, the injured succumbed to his injuries on 19.12.2025, whereafter the case assumed the complexion of a murder case.

3. Learned counsel for the applicant contends that there is a material inconsistency between the ocular and medical evidence. He

further submits that no specific role has been attributed to the present applicant; rather, the role assigned to him is general and collective in nature and does not correspond with the seat of injury allegedly attributed to him. It is further contended that some of the co-accused, during the course of investigation, were let off by the police and declared innocent on the basis of the same material. Learned counsel, therefore, submits that the case of the applicant requires further inquiry within the meaning of Section 497(2), Cr.P.C., and prays for grant of post-arrest bail.

4. Conversely, learned counsel for the complainant as well as learned Deputy Prosecutor General oppose the bail application on the ground that the offence alleged against the applicant falls within the prohibitory clause of Section 497, Cr.P.C. It is further contended that the applicant was arrested along with the crime weapon and is specifically implicated in the commission of the murder by causing an armed injury to the deceased; therefore, he does not deserve the concession of bail.

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

6. From a tentative assessment of the available material, it appears that the injured survived for almost three months after sustaining the alleged injuries and ultimately died on 19.12.2025. However, the medical record, at this stage, does not conclusively establish that the injury allegedly attributed to the applicant was the direct and proximate cause of death. The question as to whether the alleged injury was sufficient in itself to cause death, or whether the death was directly attributable thereto, is a matter requiring proper determination based on evidence to be recorded at the trial. This aspect, therefore, calls for further probe. Moreover, the role attributed to the applicant is general and collective in nature and

does not specifically correspond with the seat of injury allegedly attributed to him. These circumstances, when considered cumulatively, prima facie bring the case within the ambit of further inquiry. Reliance in this regard may be placed upon *Sahad v. Mst. Afsheen* (2026 SCMR 220).

7. As regards the opinion of the Investigating Officer, no doubt such opinion is not binding upon the Court; nevertheless, the record reflects that, on the basis of the same material collected during investigation, some of the co-accused were let off by the Investigating Officer and declared innocent. This circumstance, coupled with the other factors discussed above, provides an additional circumstance requiring further examination of the applicant's precise role and liability. Consequently, the case of the applicant also falls within the scope of further inquiry contemplated under Section 497(2), Cr.P.C. Reliance in this regard may be placed upon *Abdul Rehman v. The State* (2023 SCMR 2081).

8. In view of the foregoing facts and circumstances, the instant bail application is allowed. The applicant, Sadam Hussain, is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and P.R. bond in the like amount to the satisfaction of the learned trial Court. 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.

JUDGE

S.Ashfaq/-