

IN THE HIGH COURT OF SINDH CIRCUIT COURT
LARKANA

Criminal Bail Application No. S-151 of 2026

Before;

Mr. Justice Ali Haider 'Ada'.

Applicant : Madad Ali Dool, son of
Muhammad Ismail Dool, *through*
Mr. Habibullah G. Ghouri,
Advocate.

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

Complainant : Abdul Rauf. (*called absent*)

Date of Hearing : 10.08.2026
Date of Order : 10.08.2026.

ORDER

Ali Haider 'Ada' J.- Through this bail application, the applicant, Madad Ali, seeks post-arrest bail in Crime No.25 of 2025, registered at Police Station "B" Section, Thull, for offences punishable under Sections 302, 337-H(2), 504, 147, 148 and 149, P.P.C. Prior to filing the instant application, the applicant approached the learned trial Court for the same relief; however, his application was dismissed vide order dated 18.03.2026.

2. The prosecution case, as set out in the FIR, is that the applicant, along with his co-accused, opened fire upon the deceased, Hafeez-ur-Rehman. The allegation against the present applicant is that his firearm shot struck the deceased on the left arm, whereas the other accused allegedly caused firearm injuries on the vital parts of his body. It is further alleged that one of the accused, armed with an axe, also caused an injury to the deceased, including an injury on his left arm. The occurrence allegedly took place on 18.03.2025,

and the FIR was registered on the same day, albeit after a delay of approximately 16½ hours.

3. Learned counsel for the applicant contends that there is an unexplained delay of approximately 16½ hours in registration of the FIR. He further submits that the role attributed to the present applicant is confined to causing a firearm injury on a non-vital part of the deceased's body. According to learned counsel, the prosecution case itself attributes an injury to the left arm of the deceased to another accused, while the medical evidence also reflects an injury on the left arm. Thus, according to him, it would require determination at the trial as to which of the accused caused the particular injury found on the left arm of the deceased. He, therefore, contends that the case of the applicant calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

4. Conversely, learned State counsel opposes the grant of bail and submits that the applicant was arrested after about four months of the occurrence and, at the time of his arrest, a 30-bore pistol was allegedly recovered from his possession. He further submits that the role of the applicant is specifically mentioned in the FIR and, therefore, he is not entitled to the concession of post-arrest bail.

5. The record further reflects that notice was issued to the complainant on 09.04.2026. On 23.04.2026, the complainant appeared and sought time to engage counsel. On 07.05.2026, he appeared and submitted that he had engaged counsel and filed a vakalatnama; however, on the ground that his counsel could not appear due to personal reasons, the matter was adjourned. On 18.06.2026, another counsel filed a vakalatnama on behalf of the complainant and sought time, which was granted with a specific caution that, in case of non-appearance of the complainant or his counsel, the matter

would be decided on the basis of the material available on record. Thereafter, on 22.06.2026, the complainant again appeared and submitted a statement along with a biometric affidavit stating that he had engaged counsel who would argue the matter. However, today, despite repeated calls, neither the complainant nor his counsel is present. The repeated requests for adjournment, despite sufficient opportunities having been afforded, indicate that the complainant has failed to avail the opportunities granted to him and has caused unnecessary delay in the proceedings. The matter, therefore, cannot be kept pending indefinitely on account of his non-appearance.

6. Heard learned counsel for the applicant and learned State counsel, and perused the record.

7. The applicant was arrested after about four months of the occurrence, and a weapon is stated to have been recovered from him. However, the mere fact of recovery of a weapon, by itself, would not constitute a sufficient ground to decline bail where the case otherwise calls for further inquiry. In the present case, the role attributed to the applicant is that he caused a firearm injury to the deceased on the left arm, which is admittedly a non-vital part of the body. At the same time, the prosecution has attributed an injury on the left arm to another accused, namely Janib, who allegedly caused an injury with an axe. Thus, the question as to which accused caused the particular injury found on the left arm of the deceased, and the precise evidentiary significance thereof, requires determination at the trial.

8. It is also not the prosecution's case that the injury attributed specifically to the present applicant was the cause of death. The distinction between an injury attributed to an accused on a non-vital part of the body and the fatal injuries

allegedly caused by co-accused is a circumstance which, at this stage, cannot be ignored. 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 matter may, depending upon the facts and circumstances, fall within the ambit of further inquiry. 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 Jafferi v. The State*, 2026 MLD 713; and *Nishan Ali v. The State*, 2025 YLR 2812.**

9. For the foregoing reasons, the instant criminal bail application is allowed. The applicant, Madad Ali, 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. Needless to observe that the observations made herein are tentative in nature and shall not prejudice either party during the course of trial.

J U D G E