

IN THE HIGH COURT OF SINDH CIRCUIT COURT
LARKANA

Criminal Bail Application No. S-233 of 2026

&

Criminal Bail Application No. S-288 of 2026

Before;

Mr. Justice Ali Haider ‘Ada’.

Applicants : i) Majid Ali son of Liaquat Ali,
ii) Amjad Ali alias Major son of Liaquat Ali *through* Mr. Saeed Ahmed B- Bijarani, Advocate.
(In Cr. Bail Appln. No. S-233/2026)

Applicant : Dur Muhammad Dahani son of Misri Khan *through* Mr. Habibullah G. Ghouri, Advocate.
(In Cr. Bail Appln. No. S-288/2026)

Complainant : Fida Hussain *Through* M/s Safdar Ali Bhutto, Mushtaq Ali Langah and Deedar Ali Bangwar, Advocates

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

Date of Hearing : 10.08.2026
Date of Order : 10.08.2026.

ORDER

Ali Haider ‘Ada’ J.- Both bail applications arise out of Crime No.51 of 2025, registered at Police Station Tangwani, for offences punishable under Sections 302, 337-H(2), 148 and 149, P.P.C. The applicants, namely Majid Ali son of Lilaquat Ali, Amjad Ali alias Major son of Liaquat Ali and Dur Muhammad son of Misri Khan, seek post-arrest bail in the aforesaid crime. Before filing the instant applications, the applicants approached the learned trial Court for the same

relief; however, their bail plea was declined vide order dated 30.04.2026.

2. The crux of the prosecution case, as reflected from the record, is that on 11.06.2025, six unknown persons, armed with Kalashnikovs and T.T. pistols, allegedly opened fire upon the deceased, namely Ibrar Hussain, who sustained firearm injuries and subsequently succumbed thereto. The incident was reported to the police on 14.06.2025. However, on the following day, i.e. 15.06.2025, the complainant recorded his further statement and disclosed the names of the present applicants along with other persons, claiming to have identified them as the assailants.

3. Learned counsel for the applicants contend that the applicants were not named in the F.I.R. and that there was an unexplained delay of about three days in its registration. It is further contended that no source or circumstance has been disclosed in the further statement of the complainant as to how the names of the applicants came to be known or how they were identified, which, according to learned counsel, prima facie indicates deliberation and consultation. It is further argued that even in the further statement, no specific role has been attributed to the present applicants; rather, their role has been described in general and collective terms. Learned counsel have also relied upon the post-mortem report, which shows that, besides two firearm injuries, the deceased also sustained two injuries caused by a hard and blunt substance. According to them, such medical evidence is inconsistent with the ocular account, whereby the applicants, along with the other co-accused, were allegedly armed with firearms. On these grounds, learned counsel seek grant of post-arrest bail.

4. Conversely, learned counsel for the complainant submits that specific allegations have been levelled against the present applicants in the further statement of the complainant and that the same stand fully corroborated by the statements of the other prosecution witnesses. It is further contended that any apparent inconsistency between the medical and ocular evidence can be explained during the course of trial and that, at the bail stage, such an exercise would amount to deeper appreciation of evidence. He, therefore, prays for dismissal of the bail applications.

5. Learned Deputy Prosecutor General, while opposing the bail applications, submits that the applicants are accused of the offence of murder, which falls within the prohibitory clause of Section 497, Cr.P.C., and, therefore, they are not entitled to the concession of post-arrest bail.

6. Heard and perused the material available on record.

7. Admittedly, the F.I.R. was registered after a delay of about three days, for which no satisfactory explanation has been furnished. The names of the present applicants do not find mention in the F.I.R., nor was any description or identifying feature of the assailants provided therein. Their names surfaced only on the following day, i.e. 15.06.2025, through the further statement of the complainant. Significantly, even in such further statement, no specific role has been attributed to the present applicants; rather, their role has been alleged in a general and collective manner. Furthermore, no source or circumstance has been disclosed explaining how the complainant subsequently came to know or identify the applicants after the registration of the F.I.R. against unknown persons. These circumstances, particularly the unexplained delay in registration of the F.I.R., subsequent

nomination of the applicants and the general and collective nature of the role attributed to them, prima facie make the case one of further inquiry. Reliance in this regard is placed upon **Mazhar Ali v. The State (2025 SCMR 318)** and **Shahad v. Mst. Afsheen v. The State (2026 SCMR 220)**.

8. There is yet another aspect of the matter which requires consideration. As per the post-mortem report, the deceased sustained two firearm injuries as well as two injuries caused by a hard and blunt substance. On the other hand, the prosecution case, as reflected in the F.I.R. and the further statement of the complainant, is that the assailants, including the present applicants, were armed with firearms. Thus, the injuries attributed to a hard and blunt substance are, prima facie, not reconcilable with the ocular account regarding the alleged role of the applicants. Such inconsistency between the medical and ocular evidence, when considered in conjunction with the other circumstances discussed above, gives rise to a circumstance requiring further inquiry into the precise role of the applicants. It is well settled that where the medical evidence is at variance with the ocular account on a material aspect of the prosecution case, such inconsistency may, depending upon the facts and circumstances of the case, furnish a ground for extending the benefit of doubt to the accused. Reliance in this regard is placed upon **Ehsan Akbar v. The State and others (2007 SCMR 482)**, **Mst. Yasmin Butt v. Majid Baig alias Bobby Pehlwan and another (2008 SCMR 1602)**, **Muhammad Ramzan v. Rahib and others (PLD 2010 SC 585)**, **Khalid Mehmood and another v. Muhammad Kashif Rasool and others (2013 SCMR 1415)**, **Syed Khalid Hussain Shah v. The State and another (2014 SCMR 12)**, **Awal Khan and others v. The State through AG, KPK and another (2017**

**SCMR 538), and Mir Muhammad v. The State through
Prosecutor General, Sindh (2024 SCMR 805).**

9. Keeping in view the foregoing facts and circumstances, both bail applications are allowed. The applicants, namely Majid Ali son of Lilaquat Ali, Amjad Ali alias Major son of Liaquat Ali and Dur Muhammad son of Misri Khan, are admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) each, along with P.R. bonds in the like amount, to the satisfaction of the learned trial Court. Needless to observe that the observations/findings recorded herein are tentative in nature and shall not prejudice the case of either party during the course of trial.

J U D G E