

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

Cr. Bail Application No.S-1319 of 2025

Applicant : Shakeel Ahmed S/o Khan Muhammad Jokhio
Through Ms. Farida Naz, Advocate

Complainant : Through Mr. Badal Gahoti,
Advocate

The State : Through Ms. Sana Memon,
Assistant P.G.

Date of hearing : 30.03.2026.
Date of order : 20.04.2026.

ORDER

RIAZAT ALI SAHAR, J.- The applicant, having been declined bail by the learned trial Court, has filed the present application under Section 498 Cr.P.C., seeking pre-arrest bail in Crime No. 149 of 2021, registered at Police Station Matli, for offences punishable under Sections 302, 201, 35 PPC read with Section 155 of the Police Order, 2002.

2. The prosecution case, as set out in the FIR, is that the complainant's son, Madad Ali alias Madoo, was allegedly murdered by private individuals in connivance with police officials in a staged encounter on 23.09.2020. The occurrence is stated to be the outcome of prior hostility arising from an application submitted by the complainant's cousin, Qadir Bux, against the illegal sale of "Manpuri" and alleged police corruption, which allegedly created enmity with local police officials of Tando Muhammad Khan. According to the complainant, private accused persons initially assaulted and shot the deceased near a Kolhi village. While the injured was being transported to a hospital, they were allegedly intercepted on a link road by police mobiles led by DSP Nand Lal and other officials, who forcibly took the injured away. Subsequently, the police declared the death to be the result of an encounter. After protests and jurisdictional issues between

Tando Muhammad Khan and Matli authorities, the FIR was eventually registered against both private individuals and police officials.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated due to mala fide intentions. It was argued that the FIR has been lodged with an inordinate and unexplained delay of about one year, which prima facie suggests deliberation and consultation. It was further contended that there are material contradictions in the statements of prosecution witnesses, particularly regarding their presence at the place of occurrence. The identification of the accused at night through mobile light was also assailed as inherently weak and unreliable. It was further submitted that the applicant was found innocent during investigation and let off by the Investigating Officer, which creates serious doubt about the prosecution case. No independent witness from the locality has been examined, nor has any specific or fatal injury been attributed to the present applicant. Learned counsel emphasized that the applicant has been roped in merely on account of alleged enmity, which being a double-edged sword, can be used both ways. On these grounds, it was prayed that pre-arrest bail be confirmed.

4. Conversely, the learned Assistant Prosecutor General, assisted by learned counsel for the complainant, opposed the application and contended that the applicant is specifically nominated in the FIR and was present at the place of occurrence while armed with a pistol. It was argued that he was part of an unlawful assembly acting in furtherance of a common intention, and his presence at the scene is sufficient to connect him with the commission of the offence at this stage.

5. I have heard the learned counsel for the parties and have carefully examined the material available on record.

6. Tentative assessment of the record reflects that the FIR has been lodged with an inordinate delay of approximately one year, for which no satisfactory explanation has been furnished, thereby creating doubt at this stage. It is further noted that no specific role or overt act has been attributed to the present applicant, except for his alleged presence with

co-accused. No incriminating article has been recovered from his possession. The record further shows that the applicant, stated to be a labourer working in the Province of Balochistan, voluntarily surrendered before the learned District & Sessions Judge, Badin upon gaining knowledge of the case. Moreover, he was earlier let off during investigation, which prima facie lends support to the plea of false implication. The admitted enmity between the parties is a double-edged sword, which may provide motive for the occurrence as well as for false implication. At this stage, mala fide on the part of the complainant cannot be ruled out. It is also a settled principle of law that mere absconsion is not sufficient to deny the concession of bail when the case otherwise calls for further inquiry.

7. Without touching the merits of the case in depth, it appears that the matter requires further inquiry within the meaning of law. Furthermore, the applicant has already been enjoying interim pre-arrest bail, and no misuse of such concession has been brought on record. It is also settled that where interim pre-arrest bail has been granted and the trial has progressed, the same should not be withdrawn lightly.

8. In view of the foregoing, the applicant has made out a case for confirmation of pre-arrest bail. Consequently, this application is allowed, and the interim pre-arrest bail earlier granted to the applicant vide order dated 28.10.2025 is hereby confirmed on the same terms and conditions.

9. It is clarified that the observations made herein are tentative in nature and shall not, in any manner, influence the trial Court in deciding the case on merits. The trial Court is directed to conclude the trial within 03(three) months under intimation to this Court through Additional Registrar.

JUDGE