

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

Criminal Bail Application No. S-388 of 2026
[Zeeshan Ahmed Golo v. The State]

Before:
JUSTICE RIAZAT ALI SAHAR

Counsel for Applicant: Mr. Aftab Ahmed Channa, Advocate

Counsels/ Representatives for opponent Mr. Aitbar Ali Bullo, DPG
Mr. Safdar Ali Bhutto, Advocate for
Complainant

Date of Hearing: 21.09.2026

Date of Judgement: 21.09.2026

Date of Reasons 30.09.2026

JUDGMENT

RIAZAT ALI SAHAR, J: - Through this application under section 497 Cr.P.C., applicant Zeeshan Ahmed Golo seeks post-arrest bail in Crime No. 376 of 2025 of Police Station A-Section, Kandhkot, District Kashmore at Kandhkot, registered under sections 302, 201, 120-B, 297, 342, 148 and 149 PPC. His Bail Application No. 231 of 2026 was dismissed by the learned Additional Sessions Judge-II, Kandhkot, on 05-08-2026. The application was heard on 21-09-2026 and dismissed by a short order of that date. These are the reasons for that order.

2. The prosecution case, as set out in the FIR, is that on 19-12-2025 complainant Sadam Hussain Golo, accompanied by his brother-in-law Muhammad Harif, maternal nephew Aashir Ali, cousin Zafar Ali and nephew Farhan Ali, went to the house of the applicant on an invitation. Co-accused Sameer and four unidentified persons were allegedly present. A discussion concerning the applicant's claimed share in property led to a dispute. According to the complainant, the applicant and the unidentified persons went into a room and emerged armed with pistols. The applicant allegedly fired upon Muhammad Harif and Aashir Ali, who sustained

injuries and died at the spot. The accusation of firing at both persons is attributed directly to the applicant.

3. The FIR further alleges that the complainant and those who accompanied him were confined in a room at gunpoint. According to the complainant, the subsequent events were visible to him from there. Co-accused Shanila alias Beela allegedly joined the others, wood and petrol were brought, and the bodies of Muhammad Harif and Aashir Ali were set alight. The prosecution alleges that, about two days later, the ashes or remains were placed in three plastic bags, carried in a white Mehran car and thrown into the water near Guddu Bridge. The place of occurrence was allegedly washed. The complainant says that after the accused left he escaped, returned home, made inquiries, and thereafter approached the police. The bodies have not been recovered. Investigation followed and a report under section 173 Cr.P.C. was submitted.

4. Learned counsel for the applicant submitted that the applicant has been falsely implicated because of the property dispute. He questioned the seven-day interval between the alleged occurrence and registration of the FIR, arguing that it permitted consultation and deliberation. He maintained that the applicant was taken into custody even before the FIR and referred to social-media material said to show his arrest on 24-12-2025. He also questioned how several persons could remain confined for the period alleged without using a telephone or seeking help, and why their families did not trace them sooner. In his submission, those features make the prosecution account improbable and require further inquiry.

5. Learned counsel further pointed to the absence of recovered bodies, blood, ashes or other physical traces at the alleged scene. He referred to proceedings under sections 22-A and 22-B Cr.P.C. directing consideration of material supplied by the applicant during investigation. Particular reliance was placed upon the complainant's subsequent statement under section 164 Cr.P.C., in which, according to the defence, he said that the persons confined in jail were not the actual perpetrators, and upon his affidavit expressing no objection to bail. Lastly, counsel submitted that co-accused Sameer and Shanila alias Beela have obtained bail and that the applicant should receive the same concession. He prayed for bail under section 497(2) Cr.P.C.

6. Learned counsel for the complainant and the learned DPG opposed the application. They submitted that the applicant is named in the FIR and assigned the particular act of firing at both deceased persons.

According to them, the allegation is supported at this stage by the statements of persons who claim to have witnessed the occurrence. They maintained that the alleged confinement bears upon the delay in reporting; that the alleged burning and disposal account for the non-recovery of the bodies; and that the subsequent position of the complainant requires examination with the rest of the material at trial. They also distinguished the roles assigned to the co-accused who were released on bail from the role assigned to the applicant.

7. I have heard learned counsel and perused the material made available. The question in a post-arrest bail application is whether the available material, viewed tentatively, discloses reasonable grounds for believing that the accused is connected with an offence within the prohibitory clause of section 497(1) Cr.P.C., or whether his case calls for further inquiry under section 497(2) Cr.P.C. This exercise does not permit a final decision on whether a witness is truthful, whether a disputed document is authentic, or whether the prosecution will ultimately prove its charge. Nor can the Court decide at this stage how a witness would fare in cross-examination. All observations below are confined to that limited question.

8. Section 302 PPC includes punishment of death or imprisonment for life. The charge therefore falls within the prohibitory clause. Its gravity alone would not relieve the Court of examining the material said to connect this particular applicant with the offence. Here the FIR does assign him an individual and direct role: it says that he fired at Muhammad Harif and Aashir Ali. The persons accompanying the complainant are identified in the narrative as witnesses to the occurrence. The alleged firing is not attributed to the applicant solely through his relationship with another accused, or through an unspecified collective role. Upon the present tentative assessment, the direct accusation is material capable of furnishing reasonable grounds against him. This conclusion does not depend on accepting every surrounding detail of the prosecution narrative. The material for bail must be considered as it presently stands; questions about its accuracy, consistency and sufficiency for conviction will arise after the prosecution witnesses testify. The Court therefore confines its finding to a prima facie connection and makes no finding that either fatal shot, or indeed the occurrence in the manner alleged, has been proved.

9. There is an interval between 19-12-2025, the date of the alleged occurrence, and registration of the FIR. The defence is entitled to test that interval at trial and to explore the precise time at which the

complainant could safely approach the police. The prosecution, for its part, alleges that he and his companions were confined at gunpoint and could leave only after the accused departed. Whether that account explains the entire interval, or whether the report resulted from consultation, depends on facts which have not been tested in evidence. At bail stage the Court records both the delay and the explanation offered for it. It cannot resolve that contest by treating either side's assertion as proved.

10. Counsel also urged that the applicant had already been arrested on 24-12-2025, before registration of the FIR. The social-media material relied upon for that contention, the date and circumstances of custody, and the entries in the relevant official record would require verification. The applicant may pursue the point before the trial Court and may rely on any admissible record available to him. An asserted irregularity in the chronology of arrest may be relevant to the investigation, but its precise effect on the accusation of firing cannot be determined without establishing the underlying chronology. On the present material, it does not, by itself, remove the direct attribution made against the applicant.

11. The account of confinement, the opportunity to use telephones, and the conduct of relatives were also pressed as grounds for rejecting the occurrence. These are legitimate subjects for cross-examination. Whether the witnesses possessed working telephones, could use them safely, or had any opportunity to communicate while allegedly under armed guard has not yet been established. Equally, the Court has no tested account of what their relatives knew or did during the relevant period. To draw a definitive inference from their supposed conduct now would require a factual inquiry of the kind properly undertaken at trial. The Court therefore leaves those objections open and does not adopt the prosecution account of confinement as an established fact.

12. The non-recovery of the bodies is an important feature of this case and cannot be dismissed as immaterial. The prosecution will have to prove that Muhammad Harif and Aashir Ali died, establish the manner and circumstances of their deaths, and connect the applicant with the charged conduct by admissible evidence. At this stage, however, the prosecution's stated explanation is that the bodies were burnt to ashes and the remaining material was removed and disposed of near Guddu Bridge. Since the allegation itself involves the destruction and removal of the bodies, their non-recovery has to be considered in that context. It does not automatically settle the bail question in the applicant's favour while a

direct account of the firing remains on record. Whether any remnant should nevertheless have been recoverable, whether the alleged bags or vehicle can be linked to the disposal, and what evidence identifies the persons said to have died are trial questions. The Court does not infer those facts from the allegation itself. Equally, it would be premature to hold that the absence of a recovered body necessarily makes the alleged deaths impossible to prove. Both the alleged destruction and the failure of recovery must ultimately be tested against the evidence actually produced.

13. The absence of blood, ashes and other physical traces at the alleged house is likewise a point that may affect the eventual assessment of the case. The prosecution alleges that the place was washed after the bodies had been burnt and removed. Whether such washing occurred, what an inspection of the scene disclosed, and whether the investigating officer made adequate efforts to secure samples are matters requiring evidence. There is no occasion to pronounce upon the adequacy of the investigation or the reliability of the ocular account in this bail order. The prosecution bears the burden at trial; no observation made here dilutes that burden or supplies any missing link in its proof.

14. The applicant also relies upon material placed before the investigating officer following proceedings under sections 22-A and 22-B Cr.P.C. The direction to examine material and submit the result is part of the investigative process. It does not itself decide the truth of the proposed defence or the falsity of the accusation. The content of that material, the steps actually taken in response, and any supplementary report may be placed before the trial Court in accordance with law. At this stage, the existence of a direction to investigate does not, without a resulting finding that excludes the applicant from the occurrence, negate the specific role attributed to him.

15. The complainant's later stance requires separate consideration. His statement under section 164 Cr.P.C. was given at a belated stage, approximately eight (8) months after the occurrence. The applicant says it disowns the persons presently in custody, and also relies on the complainant's no-objection affidavit. This is a relevant development. Its timing, exact terms, circumstances and relationship to the earlier account will require examination with the record as a whole. In **Naseer Ahmed v. The State (PLD 1997 SC 347)**, the Supreme Court cautioned that a subsequent somersault by some prosecution witnesses at the bail stage is not by itself sufficient to falsify the remaining incriminating material and that the Court must undertake a careful tentative

assessment. A bail order cannot decide whether the later statement is true, whether the earlier account was true, or why the complainant changed his position. Such findings would prejudice issues on which evidence has yet to be recorded. The Court does not disregard the statement merely because it came later; nor can its contents be accepted as a final adjudication of the FIR and the accounts of the remaining witnesses. Its possible significance depends in part upon who witnessed the firing, what each person previously stated, and whether the subsequent version is supported when evidence is recorded. Those are matters for the trial Court after the witnesses are examined.

16. The record referred to at this hearing also identifies other persons as eyewitnesses to the alleged firing. The subsequent statement and affidavit of the complainant do not, on the presently available material, amount to a tested withdrawal of every such account. A no-objection to bail by one witness is a circumstance to consider; it is not, by itself, a disposition of a prosecution for murder. The trial Court will determine the evidentiary effect of the complainant's statements and of the testimony of the other witnesses after they are examined and the parties have the opportunity to challenge them. For now, the later stance does not remove all of the material that attributes the firing to this applicant.

17. The grant of bail to Sameer and Shanila alias Beela has also been considered. The relevant comparison is of the roles assigned in the available material. The allegation against the present applicant is that he himself fired at both persons said to have died. The co-accused released on bail are not assigned that same act of firing. This distinction bears directly upon the material connecting the applicant with the principal offence. On this tentative comparison, the bail orders concerning the co-accused do not place him on an identical footing. This observation concerns the accusation as presently framed, and does not determine the ultimate liability of any accused.

18. The filing of the police report under section 173 Cr.P.C. and the fact that the applicant is no longer required for physical investigation have not been overlooked. They are relevant to the stage of the case, but they do not alone answer the statutory question where an offence punishable with death or life imprisonment is alleged and the applicant is assigned a direct role. No ground of statutory delay in the conclusion of trial has been demonstrated in this application. The applicant retains the right to pursue any such ground if the relevant circumstances arise and to advance all factual and legal objections before the trial Court. Refusal of

bail now is not a pronouncement that custody should continue regardless of future developments. If material circumstances change, or if a distinct statutory entitlement arises, the law provides its own remedy. The present order decides only the application and record before this Court as they stood at the hearing.

19. Viewed together, the matters urged for the defence require the prosecution to meet substantial questions at trial. In particular, the delayed FIR, absence of recovered bodies or physical traces, chronology of arrest and complainant's later statement will require careful examination in the light of the evidence eventually recorded. The Court cannot presently treat those matters as having conclusively displaced the direct attribution of fatal firing. Nor does it make any finding that the explanation offered by the prosecution for each matter is correct. The narrow conclusion is that the material presently available provides reasonable grounds, for purposes of section 497(1) Cr.P.C., connecting the applicant with the alleged offence and does not bring his case within section 497(2) Cr.P.C.

20. For these reasons, Criminal Bail Application No. S-388 of 2026 was dismissed by short order dated 21-09-2026. Every observation in this order is tentative and shall not influence the learned trial Court, which shall decide the case independently on the evidence adduced before it. The applicant and the prosecution shall remain free to take all pleas available to them in law. Since the applicant is in custody, the learned trial Court shall proceed with the trial expeditiously and avoid unnecessary adjournments, while affording both sides a fair opportunity to present their cases.

These are the reasons for my short order dated 21-09-2026.

JUDGE