

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Cr. Bail Application No. S-170 of 2026

(Zameer Hussain v. The State)

and

Cr. Bail Application No. S-501 of 2026

(Ghulam Fareed and two others v. The State)

Applicants : through Mr. Abdul Rehman A. Bhutto, Advocate

The State : through Mr. Nazir Bangwar, Deputy Prosecutor General.

Complainant : Nemo.
(Safaruddin)

Date of hearing and Order: **19.10.2026**

O R D E R

ARBAB ALI HAKRO, J.- These two applications arise out of Crime No. 32 of 2026, registered at Police Station Kashmore, for offence under Sections 302 and 34 PPC, and are decided by this common order. In Cr. Bail Application No. S-170 of 2026, the applicant, Zameer Hussain, seeks confirmation of the interim pre-arrest bail granted to him by this Court, his application under Section 498, Cr.P.C. having been declined by the learned Sessions Judge, Kashmore, at Kandhkot, by order dated 07.04.2026. In Cr. Bail Application No. S-501 of 2026, the applicants, Ghulam Fareed, Abdul Rasheed and Abdul Hameed, seek post-arrest bail, their application under Section 497, Cr.P.C. has been dismissed by the learned Additional Sessions Judge/MCTC, Kashmore, by order dated 12.09.2026.

2. The prosecution case is that on the night of 26.02.2026, the complainant Safar Din and his companions stayed overnight at the shop of his 22-year-old son, Abu Bakar, at Kashmore. At about 0100 hours on 27.02.2026, the shop door was knocked. Abu Bakar opened it, and four unidentified persons, one armed with a T.T. pistol, one with an iron rod, one with a hammer, and one

with a knife, entered and attacked him with the hammer, knife and rod, causing injuries from which he died on the spot despite the pleas of the complainant party. Thereafter, the assailants fled. The body was taken to Taluka Hospital Kashmore for post-mortem, and after burial, the FIR was lodged on 04.03.2026 against four unidentified persons. The complainant named his brother, Najam Din, and his cousin, Ahmed Din, son of Haji Khan, as the persons present with him in the shop, and stated that the assailants had open faces and that he and his companions would identify them on seeing them. Ahmed Din is the father of the applicants Zameer Hussain, Ghulam Fareed and Abdul Rasheed.

3. On 09.03.2026, the complainant recorded a further statement under Section 161 Cr. P.C., stating that, in his perturbed state, he had mistakenly named Ahmed Din as a witness and that the person actually with him was his son, Abdul Qadeer. On the same day, Najam Din and Abdul Qadeer recorded statements under Section 161, Cr.P.C., nominating the four applicants with the following roles: Zameer Hussain with the pistol, said to have been used only to threaten; Ghulam Fareed with the iron rod to the chin; Abdul Rasheed with the hammer to the left cheek; and Abdul Hameed with the knife to the neck and ear. They added that they recognized the applicants as persons previously known to them. The interim challan was submitted on 16.03.2026, showing Zameer Hussain as an absconder. An iron rod, hammer and knife were recovered on the pointation of the three arrested applicants on 18.03.2026. The post-mortem records an incised wound below the chin, lacerated wounds to the left ear and the front of the neck, and an abraded contusion on the left side of the face, the neck wound being the cause of death. Charge has been framed; no witness has yet been examined, and the diaries of 30.09.2026 and 12.10.2026 show the complainant seeking adjournments to produce his witnesses, with Zameer Hussain attending the trial court on interim bail.

4. Mr. Bhutto, learned counsel for the applicants, submits that the FIR is against four unknown persons with open faces, whom the witnesses undertook to identify; that no identification parade was ever held; and that the applicants were introduced eleven days after the occurrence through word-for-word identical statements of two close relatives of the complainant, one of whom was not even shown as present in the FIR and was substituted for the applicants' own father. The complainant himself has never named anyone. The recoveries are ordinary household articles, unsupported by any forensic report or independent mashir. A land dispute between the parties is documented in the order of the learned Justice of Peace, Kashmore, dated 28.06.2025, dismissing a complaint under section 22-A(6) Cr.P.C. against Ahmed Din, Abdul Rasheed and Zameer Hussain (Annex F). The charge has been framed, and the applicants are no longer required for investigation; no overt act is attributed to Zameer Hussain. The case, he submits, is one of further inquiry, and the order of 12.09.2026 did not address any of these points. He relies on the authorities listed in his statement.¹

5. Mr. Bangwar, learned DPG, opposes both applications. He submits that the offence is capital and falls within the prohibitory clause; that the delay in lodging the FIR is explained by the post-mortem and burial; that the eyewitnesses saw the assailants in bulb light and have nominated the applicants with specific roles, corroborated by the recoveries of the crime weapons; that enmity is a double-edged weapon and may also supply the motive; that pre-arrest bail is an extraordinary concession and that no *mala fide* on the part of the police or the complainant has been shown, and that the complainant has been threatened. He relies on two orders of this Court.²

¹2013 MLD 1615; 2026 MLD 1056; 2022 SCMR 186; 2022 SCMR 523; 2022 SCMR 624; 2022 SCMR 663; 2022 SCMR 1245; 2022 SCMR 1954, as listed in the statement filed on 19.10.2026.

²Orders of this Court in Cr. Bail Application No. 1833 of 2025 (Karachi, decided on 04.11.2025) and Cr. Bail Application No. S-591 of 2017 (Circuit Court Larkana, decided on 12.06.2017).

6. I have heard the learned counsel and examined the record. What follows is a tentative assessment for bail purposes only.

7. The question that governs both applications is identification. The prosecution's own first version, recorded six days after the occurrence, when the complainant had had ample time to reflect, is that the assailants were strangers whom the complainant and his companions would identify if produced. Eleven days after the occurrence, the same witnesses say that the assailants were four men known to them, cousins from the neighbouring village, three of them sons of the very man whom the FIR places asleep in the shop beside the complainant. There are only two ways of reading this. Either the assailants were not recognized at the time, in which case their subsequent naming, without any identification parade, rests on nothing that the FIR supports, or they were recognised, in which case the omission of four known relatives from a report lodged six days after the event, while naming their father as a companion, is wholly unexplained. On either reading, the nomination through delayed statements of two related witnesses, one of whom was introduced in place of the applicants' father, is a weak form of evidence which, on settled authority, renders the case one of further inquiry at the bail stage.³ The order of 12.09.2026 did not deal with the recital in the FIR that the assailants were unidentified and would be identified on sight, with the substitution of Ahmed Din by Abdul Qadeer, with the absence of an identification parade, or with the identity of the two statements.

8. The recoveries do not provide the missing corroboration. An iron rod, a hammer and a knife are commonplace articles; they were recovered after arrest on pointation, no forensic or serological report connects them with the deceased, and no independent witness attended. The learned trial court placed

³ *Abid Ali alias Ali v. The State* 2011 SCMR 161; *Syed Saeed Muhammad Shah v. The State* 1993 SCMR 550.

reliance on **Muhammad Behroz Khan**⁴, but that was a case in which nomination through a supplementary statement was backed by a forensic match between an empty recovered from the spot and the pistol recovered from the accused. Nothing of that kind exists here, and the reliance was misplaced. The two orders referred by the learned DPG were based on their own facts and lay down no principle at variance with what the Supreme Court has held on nomination through supplementary statements.

9. The documented land dispute is relevant for a narrow purpose. Enmity cuts both ways and does not, by itself, make out a case for bail; but where a criminal complaint against this very family over that land was tried and dismissed as a civil dispute eight months before the murder, a delayed and contradictory nomination of the same family cannot be read in isolation from that background. It is the infirmity in identification, not the enmity, that carries the case into section 497(2) Cr.P.C.; the enmity gives that infirmity its context. I note, without deciding anything, that the injury below the chin attributed to the iron rod is recorded as incised, while the injuries attributed to the knife are recorded as lacerated. Whether the medical evidence supports the roles assigned is for the trial.

10. As to Cr. Bail Application No. S-501 of 2026, the offence falls within the prohibitory clause, and bail is available only on further inquiry. On a tentative assessment, the law permits the threshold to be met for all three applicants: the identification infirmity is common to them, the recoveries are uncorroborated, and the eyewitnesses are related and have given identical statements. The gravity of the offence is not, by itself, a ground for refusal once a case of further inquiry is made out. The applicants are no longer required for investigation; the challan is in, and a charge has been framed, yet

⁴*Muhammad Behroz Khan v. The State* 2024 YLR 1854.

the complainant has twice sought adjournment to produce his witnesses. The allegation of threats rests on assertion alone, with nothing on record to support it.

11. As to Cr. Bail Application No. S-170 of 2026, the test is stricter: the applicant must show, in addition to the merits, that the intended arrest is actuated by *mala fide* or an ulterior motive.⁵ *Mala fide* need not be proved by direct evidence and may be inferred from the record.⁶ The record here supports that inference: a complainant party with a documented land dispute against the applicant's family; an earlier attempt to prosecute this applicant over that land that failed; an FIR against unknown persons that names the applicants' father as the complainant's own companion; and, after a change of witnesses, the applicant's introduction through identical statements of two relatives, with the least role of the four, namely an armed presence without use of the weapon. No overt act is attributed to him; his liability, if any, is vicarious under Section 34 PPC and will be determined at trial. The challan and charge are now in, so custody would serve no investigative purpose, and the applicant has been attending the trial court on the interim bail granted by this Court.

12. Accordingly, the applicants Ghulam Fareed, Abdul Rasheed and Abdul Hameed in Cr. Bail Application No. S-501 of 2026 are admitted to post-arrest bail, subject to furnishing solvent surety in the sum of Rs. 200,000/- (Rupees two hundred thousand) each and a P.R. bond in the like amount, to the satisfaction of the trial court. The interim pre-arrest bail granted to the applicant Zameer Hussain in Cr. Bail Application No. S-170 of 2026 is confirmed, with direction to deposit additional surety of Rs.150,000/- (Rupees one hundred and fifty thousand) and P.R. Bond of like amount before the Additional Registrar of this Court.

⁵ *Rana Muhammad Arshad v. Muhammad Rafique & others* PLD 2009 SC 427; *Rana Abdul Khaliq v. The State* 2019 SCMR 1129.

⁶ *Mukhtar Ahmad v. The State* 2016 SCMR 2064.

13. The trial Court shall proceed with the trial without being influenced by anything said here and shall endeavour to conclude it expeditiously. If any applicant misuses the concession of bail, by absence, by tampering with the prosecution evidence, or by threatening the complainant or his witnesses, the trial Court shall be at liberty to cancel his bail after notice. The observations in this order are tentative and shall not prejudice the case of either side at the trial.

14. Both applications stand disposed of in the above terms.

J U D G E

Qazi Tahir PA/*