

HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-529 of 2026

(Muhammad Asif vs. The State)

Applicant : Muhammad Arif s/o Mehmood Laghari
Through Mr. Raja Jawad Ali Sahar, Advocate.

Respondent : The State
Through Mr. Ghulam Abbas Dalwani, D.P.G.

Complainant : Abdul Hafeez s/o Bangal Khan Laghari
Through Mr. Rizwan Ali Choudhry, Advocate.

Date of hearing : 21.10.2026

Date of Order : 21.10.2026

ORDER

NISAR AHMED BHANBHRO, J: Through the instant bail application, applicant Muhammad Arif s/o Mehmood Laghari, seeks post arrest bail under Section 497 Cr.P.C in F.I.R bearing Crime No.195 of 2025, registered at Police Station Sanghar for offence punishable under Sections 302, 34 P.P.C. His earlier application for post arrest bail was dismissed by the learned Additional Sessions Judge-I/M.C.T.C, Sanghar, vide order dated 25-09-2026 in Criminal Bail Application in Sessions Case No. 413 of 2026, whereafter he invoked the jurisdiction of this Court.

2. The facts necessary for deciding instant bail application are that complainant Abdul Hafeez lodged instant F.I.R., on 17-08-2025 at PS Sanghar alleging therein that his brother namely Maroof is serving as a Staff Nurse at Civil Hospital, Sanghar, and resides in Sanghar city, who has landed dispute with one Ata Muhammad, and a case regarding the said dispute is also pending before the court. On 16.08.2025, at about 1840 hours, he, his brother Maroof Laghari, his son Abdul Jalil and his cousin Abdul Ghaffar were standing near old Bakhoro Mori on the Eastern side of Mithrao Canal. In the meantime, two motorcycles arrived. One motorcycle was being driven by accused Ata Muhammad who was carrying a pistol in his hand. The other motorcycle was being driven by accused Arif Laghari, who was also carrying a pistol, along with an unidentified person whom they would be able to identify upon seeing him again. Immediately upon arrival, they stopped their motorcycles near them and dismounted. Accused Ata Muhammad pointed the pistol at his brother Maroof Laghari and threatened him, saying, "You

are not refraining from pursuing the cases filed against me in the courts. Today, we will kill you.” Having said this, accused Ata Muhammad Laghari, with intention of killing his brother Maroof, fired at him with his pistol. One shot hit his brother on the left side of his chest while another shot hit him in the left eye. As a result of the injuries, his brother fell to the ground and blood started flowing from his wounds. Meanwhile, accused Arif and the unidentified accused took out pistols from fold of their shalwars. They pointed their weapons and threatened them not to come forward. Due to fear, they remained standing where they were. Thereafter, the accused fired two more shots at his injured brother Maroof with their pistols, which hit him on his left arm. Meanwhile, accused Arif fired three shots at his brother with his pistol, which hit him on his left thigh. They raised cries and shouted for help, upon which all the accused, carrying their weapons, mounted the motorcycles on which they had arrived and fled towards the Eastern side in the direction of Bakhoro. Thereafter, they saw that his injured brother Maroof was bleeding profusely. Due to excessive blood loss and the unbearable pain caused by his injuries, he eventually succumbed to his injuries and died. Subsequently, they arranged a vehicle and transported the dead body of his brother Maroof Laghari to Civil Hospital, Sanghar. They informed the police about the incident. After the police arrived and completed the necessary legal formalities, they took the dead body to their village for burial. After performing the funeral and burial of his deceased brother Maroof Laghari, complainant came at police station and lodged instant F.I.R.

3. Learned counsel for the applicant contended that there is delay of more than 22 hours in registration of F.I.R without plausible explanation, as such the deliberation and consultation cannot be ruled out to falsely implicate the applicant; that the enmity stands admitted and the applicant though attributed role of firing but same has been shown over the left leg of deceased, which is not vital part of the body. He next contended that co-accused Yakoob and Suhail have been granted bail by this court and the case of the applicant is on similar footing entitling him for the concession of bail.

4. Conversely, learned D.P.G assisted by learned counsel for the complainant while controverting the submissions contended that applicant has been assigned specific role of firing at deceased; that the delay in registration of F.I.R is plausibly explained as deceased was firstly taken to Civil Hospital, Sanghar and after post mortem examination and burial of deceased, complainant lodged instant F.I.R;

that the role assigned to co-accused Yakoob and Suhail is on different footing, therefore, applicant cannot claim concession of bail on the rule of consistency. He further contended that the crime weapon used in commission of alleged offence is also recovered on the pointation of the applicant and the forensic report connects the said weapon with empties recovered from the place of incident. He further contended that medical evidence also supports the injuries sustained by the deceased. He, therefore, prays for dismissal of instant bail application.

5. Heard arguments and perused the material available on record. From perusal of record it transpires that applicant is assigned specific role of causing fire arm injuries to deceased, which are in line with the post mortem report. During investigation, the I.O recovered crime weapon on the pointation of applicant and was sent for forensic analysis and the said weapon was matched with the empties recovered from the place of incident. The co-accused Yakoob and Suhail, who were granted bail by this Court, have not assigned specific role in the alleged incident. More particularly the name of co-accused Suhail does not transpire in the F.I.R, and later-on during investigation complainant disclosed his name in his further statement, the value whereof is yet to be determined by the trial court; as such case of the applicant is not on the same footing as that of above named co-accused, who were granted bail. The delay in registration of F.I.R has been plausibly explained and even otherwise delay of about 22 hours, in the circumstances of case, is not fatal for the prosecution case.

6. From the tentative assessment of material available on record as has been discussed above there appears sufficient grounds to believe that the applicant is connected with the commission of offence which carries punishment for death or imprisonment for life and the same falls within the ambit of prohibitory clause of section 497, Cr.P.C., disentitling the applicant from the concession of bail. The grounds so raised by learned counsel for the applicant require deeper appreciation of evidence, which is not warranted at bail stage.

7. For the foregoing reasons, and without expressing any final opinion on the merits of the case, the applicant has failed to make out a case for grant of post arrest bail. Consequently, instant bail application is **dismissed**.

8. Needless to observe that the findings and observations recorded herein are purely tentative in nature and confined to the disposal of the instant bail application. The learned trial Court shall decide the case strictly on the basis of

the evidence brought before it, independently and without being influenced by any observation contained in this order.

JUDGE

Saleem

