

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Crl. Bail Appln. No.S-182 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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- 1. For orders on office objection 'A'.
- 2. For hearing of bail application.

07.09.2026

Mr. Abdul Sattar Hulio, advocate for the applicant.

Mr. Muhammad Afzal Jagirani, advocate for the complainant.

Mr. Aitbar Ali Bullo, D. P. G.

ORDER

RIAZAT ALI SAHAR, J- Through the instant bail application, the applicant, Shah Nawaz son of Shah Gul Mazari, seeks his release on post-arrest bail in Crime No.09 of 2026, registered at Police Station Kashmore, for offences punishable under Sections 302, 337-A(i), F-(ii), L-(ii), 114, 147, 148 & 149, PPC, after rejection of his bail plea by the learned Additional Sessions Judge-I, Kandhkot, vide order dated 16.04.2026.

2. The facts of the prosecution case, as set out in the FIR, are that an underlying dispute over crop harvesting existed between the parties. On 14.01.2026, the complainant Sijawal Khan, his father Muhammad Hayat and others were confronted by the accused party. It is alleged that Fouj Ali instigated the group to kill Muhammad Hayat. Consequently, co-accused Jamsheer and Shakal allegedly inflicted lathi blows to the victim's head, while Ganj Ali caused a hatchet injury.

Applicant Shah Nawaz was allegedly present and armed with a Klashnikov (K.K) to provide cover and deter intervention. The victim was referred to Sheikh Zayed Hospital, Rahim Yar Khan where he succumbed to his injuries on 20.01.2026.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the case with *mala fide* intention and ulterior motives. He contended that there is a delay of three days in lodging the FIR, for which no plausible explanation has been furnished; that the applicant is shown in the FIR to be armed with Klashnikov yet no overt act has been attributed to him, except his presence at the scene of offence; that the contents of the FIR themselves disclose an existing dispute between the parties over harvesting of crop, hence the possibility of false implication of the applicant cannot be ruled out. It was further argued that nothing incriminating has been recovered from the possession of the applicant; that all the prosecution witnesses are closely related and interested witnesses, whose testimony requires independent corroboration. He, therefore, prayed that the applicant may be admitted to bail.

4. Conversely, learned D.P.G., appearing for the State and assisted by learned counsel for the complainant, vehemently opposed the grant of bail on the ground that the applicant is specifically nominated in the FIR and he was present at the place of occurrence with Klashnikov. It was, therefore, argued that the applicant is not entitled to the concession of bail, as the offence involves capital punishment.

5. Heard learned counsel for the applicant, learned D.P.G. for the State and learned counsel for the complainant and perused the material available on record with their assistance.

6. Admittedly, the name of the applicant appears in the FIR; however, no specific overt act has been attributed to him. The only allegation against him is that he was armed with Klashnikov. It is further alleged that there is dispute between the parties over harvesting of crop. In the backdrop of such admitted previous enmity, the possibility of the applicant's implication after deliberation and consultation cannot be ruled out at this stage.

7. **The role attributed to the applicant is confined to mere presence at the place of occurrence, without any allegation that he himself caused an injury to the deceased.** The question as to whether such alleged presence attracts vicarious liability, and whether the requisite common object or shared intention is established against the applicant, are matters which require determination by the learned Trial Court after recording and appreciating the evidence. At this stage, therefore, the precise extent of the applicant's liability cannot safely be determined merely on the basis of the allegations contained in the FIR. Furthermore, the applicant was arrested on 30.01.2026 and he is behind the bars since last seven months'.

8. In these circumstances, without touching the merits of the prosecution case, the case of the applicant calls for further inquiry within the meaning of sub-section (2) of Section 497, Cr.P.C.

9. Accordingly, the instant bail application is allowed. The applicant/accused is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees one hundred thousand) and P.R. bond in the like amount to the satisfaction of the learned Trial Court

10. Needless to observe that the observations made hereinabove are tentative in nature and shall not prejudice the case of either party at the trial.

11. Before parting with this order, keeping in view the nature of the offence and in order to ensure expeditious adjudication of the matter, the learned Trial Court is directed to proceed with the trial on a priority basis and shall avoid granting unnecessary adjournments to either side. The learned Trial Court shall make every endeavor to conclude the trial, preferably, within a period of six months from the date of receipt of this order.

Judge

M.Yousuf Panhwar / **