

JUDGMENT SHEET
IN THE HIGH COURT OF BALOCHISTAN, QUETTA

Criminal Bail Application No.486 of 2025
(CC # 100107804149)

Saddullah Vs. The State

Date of hearing: 24.11.2025 Announced on: 24.11.2025

Applicant by: Mr. Attaullah Langove, Advocate.

Complainant by: M/s. Hamadullah Mengal and Irfan Yousaf,
Advocates.

State by: Ms. Amna Hashmi, District Public Prosecutor.

O R D E R

Sardar Ahmad Haleemi, J.- This order disposes of Criminal Bail Application No.486 of 2025 filed by the applicant/accused in case FIR No.70 of 2025, under Section 302, 324, 109, 34 PPC registered at Police Station new Sariab, Quetta with the allegations that on 15.05.2025 at about 6:20 a.m., Complainant Maula Bakhsh son, Danish, left home, to go towards his shop, i-e *Sharja Bakery* situated on Ghulam Rasool Road. Shortly thereafter, on hearing gunshots, he rushed outside and found Danish critically injured. The injured informed him that Saadullah (applicant/accused) and Mehrullah had arrived on a motorcycle and opened fire on him. The complainant further alleged that he saw the accused heading towards Marri Street. He, along with relatives, shifted the injured Danish to a private hospital. The occurrence was allegedly rooted in a family dispute, and the accused were said to have acted at the instigation of

their brother, Saifullah. Later, Danish succumbed to his injuries at a hospital in Karachi.

2. Initially, the applicant filed a post-arrest bail application No.149 of 2015 before the learned Additional Sessions Judge-II, Sariat Division (hereinafter the “**trial Court**”), which was rejected on 16th June 2025, and this Court also declined the concession of bail vide order dated 28.07.2025.

3. After the examination of PW-1 Moula Bakhsh, the applicant/accused filed a second post-arrest Bail Application No.314 of 2025 before the trial Court, which was rejected vide order dated 20-10-2025, hence this bail application.

4. Learned counsel for the applicant/accused inter alia contended that the applicant/accused is innocent of the charge and has not committed any offence, and therefore is entitled to be released on bail; that the matter, in fact, arose from a family dispute between the parties, which has since been resolved, but the complainant has acted vindictively and falsely implicated the applicant. No specific role has been assigned to the applicant in the commission of the alleged crime, and the question of vicarious liability can only be determined at trial; that although the complainant alleged that the applicant fired at the behest of their co-accused, Saifullah, the minor's age of 10/11 years makes it impossible for him to induce an adult to commit such an offence; that the circumstances of the case do not establish the commission of an offence under Section 302 PPC, and there is no independent

evidence connecting the applicant to the crime; that nothing incriminating has been recovered from the applicant, and the prosecution evidence is inconsistent; that the complainant, PW-1, stated in his examination-in-chief that he and relatives took the injured son to the hospital, whereas the death certificate shows that the deceased came to the hospital himself; that despite the incident occurring in a thickly populated area, no independent eye witnesses from the locality have come forward, and the presence of PW-1 at the scene is doubtful, as clarified in cross-examination; that the FIR contains inconsistencies with the prosecution version, which benefits the applicant at the bail stage, as bail cannot be denied on presumptions or assumptions; that the co-accused Mehrullah has already been granted bail by this Court, and on the principle of consistency, the applicant is equally entitled to bail; that the medical evidence also does not fully support the ocular evidence, with the death certificate indicating "Cardiopulmonary Arrest" as the cause of death; that the applicant is a permanent resident of Quetta, has no risk of absconding, and is willing to furnish solvent surety bonds. Accordingly, it is prayed that the applicant be enlarged on bail in a reasonable sum, in the interest of justice, fair-play, and equity.

5. Conversely, the learned District Public Prosecutor opposed the bail application and contended that the offence alleged is of a grave nature under Section 302 PPC, which is non-bailable as per law; that the prosecution has prima facie evidence, including the testimony of the complainant and other witnesses, implicating the

applicant in the crime; that the releasing the applicant may jeopardize the investigation or lead to tampering with evidence or influencing witnesses. The FIR reflects the immediate circumstances of the incident and is consistent with the complainant's account, supporting the prosecution's case. Even if co-accused or minors were involved, the applicant may still have actively participated in the offence; that given the seriousness of the charge and the public interest, bail should not be granted; that incriminating material available on record connects the applicants/accused in the commission of the alleged offence having capital punishment; thus, the applicant/accused do not deserve the leniency of bail.

6. I have heard the arguments advanced by learned counsel for the parties and perused the available record with their able assistance.

7. As per crime report, the complainant nominated the applicant/accused in the commission of murder of his son, Danish (**deceased**). The Investigating Officer recorded the statement of the deceased at the time of treatment in the hospital, and he assigned a specific role to the applicant/accused. The record indicates that in the earlier bail application, the applicant/accused raised almost all grounds, which have been addressed strictly in accordance with law. After the examination of PW-1, no fresh ground has been found. Further, the role of the applicant/accused vis-à-vis the co-accused, Mehrullah, is not akin; as such, the rule of consistency does not apply in the instant case.

8. The tentative assessment of material available on record manifests that the applicant/accused, along with his accomplices, have been implicated in the murder of the deceased, and sufficient incriminating material is available on record, which connects the applicant/accused to the commission of the alleged offence.

9. At the bail stage, a deeper appreciation of evidence may cause prejudice to either party; as such, the same is unwarranted. In view of the above facts and circumstances, no case of post-arrest bail is made out at this stage.

For the above reasons, Criminal Bail Application No.486 of 2025 is dismissed.

The observations made hereinabove are tentative in nature, and the same shall not influence the merits of the case at the trial.

Announced in open Court:
Quetta, on ____ November, 2025

JUDGE.