

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.  
1<sup>st</sup> CrI. Bail Appln. No.S-284 of 2025.

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| Date | Order with signature of Hon'ble Judge |
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1. **For orders on office objection.**
2. **For hearing of Bail Application.**

Applicant : Zahid *alias* Zahid Hussain Jatoi (on bail),  
Through Mr. Abdul Rehman A. Bhutto, Advocate.

State : Through Mr. Ali Anwar Kandhro, Addl. Prosecutor  
General, Sindh.

Complainant : Akhtiar Ali Shaikh, through Mr. Javed Ahmed  
Soomro Advocate.

Date of Hearing : 15.09.2025  
Date of decision : 15.09.2025

**ORDER**

**Muhammad Saleem Jessar, J.-** By means of the captioned bail application, applicant Zahid *alias* Zahid Hussain son of Kamal *alias* Kamal Khan Jatoi, seeks pre-arrest bail in Crime No.13 of 2025 registered at Police Station Areeja, District Larkana, for offence under Sections 436, 427, 337-H(2), 148, 149, PPC, after his such plea has been declined by the learned Additional Sessions Judge-III, Larkana vide order dated 26.05.2025. The case has also been challaned, which is now pending for trial before the Court of learned Illrd. Additional Sessions Judge, Larkana vide Sessions Case No.510/2025, re-*The State v. Zahid @ Zahid Hussain Jatoi & others.*

2. The case of prosecution, in brief, is that on 26.04.2025, at 12.30 noontime, the applicant along with five others, set ablaze the houses of complainant party along with their surrounding hedge by means of matchstick of matchbox, in result whereof the hedge, houses and the household articles lying there, as mentioned in the FIR, were burnt to ashes; whereas, the co-accused persons resorted to aerial firing.

3. Learned Counsel for the applicant has mainly contended that the applicant is innocent and he has been falsely implicated in the subject FIR by the complainant party with malafide intention; that the FIR was lodged after three days of the alleged incident without any

explanation by the complainant; that no independent person has been cited as witness of the alleged incident; that there is dispute between the parties over the landed property; that the alleged offence does not fall under prohibitory clause of section 497, Cr.P.C; that the case against the applicant calls for further enquiry as envisaged under sub-section (2) to Section 497, Cr.P.C and lastly that co-accused Manzoor @ Manzoor Hussain and Bakhat have been admitted to pre-arrest bail. Therefore, he prays for confirmation of interim pre-arrest bail earlier granted to the applicant.

4. Learned advocate for the complainant, has mainly contended that the applicant is named in the FIR; that all the accused with common intention had set ablaze the houses of complainant thereby not only destroying the houses with surrounding hedge, but also valuables of the complainant; and that there is no any malafide on the part of complainant to falsely implicate the applicant. He, therefore, prayed for dismissal of the instant bail application. Learned Counsel further submits that the charge against accused has been framed and the complainant as well as PWs are attending the trial Court, but the defence is seeking adjournments on one pretext or the other.

5. Learned Addl. P.G. also opposes the confirmation of interim pre-arrest bail, contending that the name of the applicant finds place in the FIR with specific role of putting on fire the houses of complainant party, which were burnt to ashes along with valuable household articles.

6. Heard. Record perused.

7. From perusal of the record it would be seen that the applicant is named in the FIR and specific role of setting on fire the houses with surrounding hedge and household articles of complainant by means of matchstick of matchbox is assigned to him. So far delay in lodgment of FIR is concerned, it is settled principle of law that delay *per se* is no ground to discard and/discredit the entire prosecution case/version. No malafide is shown on the part of complainant to implicate the applicant/accused in this case falsely, particularly, nothing has been placed on record to substantiate the ground urged with regard to any landed dispute between the parties. The principles governing the

grant of post arrest bail and those for seeking pre-arrest bail are altogether different. The basic ingredients for grant of pre-arrest bail as enshrined by the learned Apex Court in case of *Rana Muhammad Arshad v. Muhammad Rafique & others* (PLD 2009 SC 427) are lacking in this case. Per progress report submitted by the trial court, after framing of charge against the accused, PWs have been appearing but the defence is seeking adjournment on one or the other pretext. Such brazen attitude of accused shows they have no nexus or concern with trial but to press bail application only aims to linger on the trial proceedings to defeat the interest of prosecution.

9. In such view of the matter, I am of the considered view that the applicant has no case for grant of confirmation of pre-arrest bail.

10. Above are the reasons of short order announced by me on 15.09.2025, whereby the instant bail application was dismissed.

11. The observations made hereinabove are tentative in nature only for the purpose of deciding this bail application, which shall not, in any manner, influence the learned trial Court at the time of final decision of the subject case.

JUDGE

Larkana  
Dated 15-09-2025.

Approved for reporting.