

IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERBABB

Criminal Bail Application No. S-1026 of 2025
Criminal Bail Application No. S-1146 of 2025
Criminal Bail Application No. S-28 of 2026

- Applicants: i) Muhammad Nasir @ Nasir and Bilal present on interim pre-arrest bail in Criminal Bail Application No.S-1026 of 2025 through Mr. Farhad Ali Abro, Advocate along-with Safdar Ali Abro.
- ii) Khurram in Criminal Bail Application No.S-28 of 2026 through Mr. Farhad Ali Abro, Advocate along-with Safdar Ali Abro.
- iii) Muhammad Faizan present on interim pre-arrest bail in Criminal Bail Application No.S-1146 of 2025.
- Complainant: Naushad Ali Qureshi through Mr. Mumtaz Sachal Awan, Advocate along-with witnesses Muhammad Shahzad and Muhammad Bilal.
- Respondent: The State through Mr. Khalid Hussain Lakho, D.P.G.

Date of hearing: 11.03.2026
Date of decision: 11.03.2026

ORDER

RIAZAT ALI SAHAR, J: - Through this common/joint order, I propose to adjudicate upon three above-captioned criminal bail applications filed on behalf of four applicants/accused, namely Muhammad Nasir @ Nasir, Bilal, Muhammad Faizan, and Khurram. arising out of the same Crime No. 136/2025 registered under Sections 324, 114, 34 PPC at P.S. Pinyari, Hyderabad. Since all the applicants are alleged to be involved in the same occurrence, the accusations stem from a single set of facts, and common questions of law and facts are involved, therefore, all these bail applications are being disposed of together through this consolidated order to avoid conflicting findings and for the sake of judicial convenience.

2. The brief background of the prosecution case, as set out in the FIR, is that the complainant along with his relatives was residing within the jurisdiction of P.S. Pinyari, Hyderabad, and a matrimonial dispute had arisen between one Umair (cousin of the complainant) and his wife Mst. Sana, which allegedly led to exchange of hot words and quarrel on 04.08.2025 at about 09:00 p.m. It is alleged that upon being informed, the brother of Mst. Sana, namely Bilal, came to the house and allegedly subjected Umair to physical assault, which was later pacified by the intervention of locality people. Thereafter, as per the complainant, at about 11:30 p.m. on the same night, the nominated accused persons, namely Khurram, Nasir, Bilal all sons of Noor Muhammad @ Zahoor Qureshi while Faizan, along with Mst. Sana, allegedly formed an unlawful assembly, duly armed with deadly weapons including knives, cutter/bugda and chappar, and trespassed into the house of Umair. It is further alleged that on the instigation of Mst. Sana, the accused persons made a murderous assault upon the inmates of the house; Khurram allegedly inflicted a blow causing injuries on the abdomen and hand, Nasir allegedly caused knife injury to Shahzad, Bilal allegedly inflicted head injury upon Umair, while present applicant Faizan is alleged to have attacked Azhar with a knife. Consequently, multiple persons sustained injuries of varying nature, who were initially shifted to Civil Hospital Hyderabad for treatment, whereas injured Shahzad was referred to Liaquat National Hospital Karachi due to the seriousness of his injuries. Subsequently, the complainant approached the police station and lodged the instant FIR, whereafter the investigation commenced and the police allegedly initiated raids for arrest of the nominated accused persons.

3. Learned counsel for the applicants, while opening his arguments, vehemently contended that the applicants are wholly innocent and have been falsely implicated in the present case due to ulterior motives and malafide on the part of the complainant party, as no such occurrence, in the manner alleged, has ever taken place. He submitted that admittedly the dispute between the parties emanates from a matrimonial discord between co-accused

Mst. Sana and her husband Umair, which has deliberately been given a criminal colour in order to harass, pressurise and humiliate the entire family of the applicants and to coerce them into submission and compromise. It was further argued that, in fact, Mst. Sana was subjected to maltreatment and physical abuse by her husband, and when her brothers, including the present applicants, intervened to resolve the matter and restore her matrimonial life, they themselves were subjected to violence by the complainant party, whereafter the entire episode was twisted and a false and concocted FIR was lodged against them. Learned counsel next contended that the conduct of the police further strengthens the defence version, as one of the co-accused was allegedly picked up prior to registration of FIR, illegally detained and not produced before the competent court within the stipulated time, thereby rendering the prosecution story doubtful and tainted with mala fide. He further argued that the FIR is admittedly delayed by two days without any plausible explanation, which prima facie suggests deliberation, consultation and fabrication, thus diminishing its evidentiary value at the bail stage. It was also contended that similarly placed co-accused, namely Mst. Sana, has already been granted bail by the learned trial Court, therefore, on the well-established principle of consistency, the present applicants are also entitled to the same concession. Learned counsel further submitted that all the witnesses cited by the prosecution are closely related and interested, hence their testimony is highly doubtful and requires deeper scrutiny during trial, bringing the case within the ambit of further inquiry. He added that the alleged offences, in the facts and circumstances, do not strictly fall within the prohibitory clause, and even otherwise the role attributed to the applicants is general and exaggerated. Lastly, he argued that the applicants are law-abiding citizens, having no previous criminal record, are neither flight risks nor likely to tamper with prosecution evidence, and are ready to furnish solvent surety to the satisfaction of this Court; therefore, they are entitled to the concession of pre-arrest bail in the interest of justice.

4. Conversely, learned Deputy Prosecutor General along with learned counsel for the complainant strongly opposed the grant of pre-arrest & post arrest bail to the applicants and contended that the applicants are specifically nominated in the FIR with distinct and active roles attributed to each of them, supported by ocular account and medical evidence, which prima facie connects them with the commission of the offence. It was argued that the occurrence is not a mere matrimonial dispute, as alleged by the defence, rather it is a brutal and premeditated attack wherein the applicants, duly armed with deadly weapons, formed an unlawful assembly and trespassed into the house of the complainant party with the common object to commit murder, resulting in multiple injuries to the victims, some of whom sustained serious wounds. Learned counsel further submitted that the nature of injuries, the weapons used and the manner of assault clearly attract the provisions of Section 324 PPC, which squarely falls within the prohibitory clause, thus disentitling the applicants from the concession of bail. It was further contended that the delay in lodging the FIR has been sufficiently explained, as the immediate priority of the complainant party was to shift the injured persons to hospital and arrange for their medical treatment, including referral of one injured to Karachi, therefore, such delay is neither deliberate nor fatal to the prosecution case. The learned DPG also argued that the plea of false implication and further inquiry raised by the applicants are matters of deeper appreciation of evidence, which can only be determined at trial and not at the bail stage. It was further asserted that the principle of consistency is not attracted in the present case as the role of the present applicants is distinguishable and graver in nature as compared to those co-accused who have been granted bail. Lastly, it was contended that the applicants are seeking the extraordinary relief of pre-arrest bail, which is to be granted sparingly and only in exceptional circumstances, whereas in the present case no mala fide on the part of the complainant or the police has been established; therefore, the applicants do not deserve any leniency and their applications are liable to be dismissed.

5. Heard and record perused. After giving anxious consideration to the respective contentions advanced by the learned counsel for the parties and tentative assessment of the material available on record, including FIR, medical certificates, statements of witnesses and role attributed to each accused, this Court proceeds to record its detailed reasons for the short order dated 11.03.2026, whereby bail of some applicants was declined while others were extended the concession of pre-arrest bail.

6. At the very outset, it is an admitted position that all the accused persons have been nominated with specific and distinct roles in the FIR. It is equally settled that in matters of bail, particularly pre-arrest bail, the Court is required to examine the individual role, nature of injury, severity of offence and its placement within or outside the prohibitory clause of Section 497 Cr.P.C., rather than granting or refusing bail on a blanket basis.

7. So far as applicant Khurram is concerned, the record reflects that he is attributed with a specific role of inflicting injuries upon Bilal s/o Muhammad Asghar Qureshi, which have been medically opined to fall within the ambit of Sections 337-D, 337-A(iv) and 337-F(i) PPC. The nature of injury under Section **337-D PPC** pertains to “**shajjah-i-munaqqilah**”, which involves displacement of bone, and is punishable with imprisonment extending up to ten years, thereby attracting seriousness and severity. Likewise, the injuries under Section 337-F(i) PPC relate to grievous hurt not covered by other specific clauses and carry substantial punishment. The cumulative effect of these injuries, coupled with the use of a deadly weapon and the manner of assault, prima facie demonstrates that the role of Khurram is direct, active and grievous in nature, attracting the rigours of the prohibitory clause.

8. Furthermore, the injured witness has specifically nominated Khurram and the medical evidence lends support to the ocular account. In this regard, reliance is placed upon the dictum laid down in **2020 SCMR 937** (Bilal Khan vs. The State), wherein the Honourable Supreme Court has held that where an accused is nominated with a specific role of causing injury supported by

medical evidence, sufficient grounds exist to connect him with the commission of offence and bail is to be refused.

9. Thus, in view of the specific role, corroborative medical evidence and gravity of injuries, no case for further inquiry is made out in favour of **applicant/accused Khurram**. Consequently, his bail was **declined** vide short order dated 11.03.2026.

10. Similarly, applicant Muhammad Nasir @ Nasir is attributed with causing injuries to Shahzad, which have been described as 337-D, 337-F(i), 337-F(ii) and three injuries under 337-(i) PPC. The multiplicity of injuries, including grievous hurt falling under Section 337-D PPC, clearly demonstrates repetition of assault and intensity of violence. The presence of multiple injuries on a single victim further aggravates the role of Nasir, reflecting his active participation and intention.

11. Additionally, the record shows that another injured namely Azhar has also sustained injury under Section 337-F(i) **PPC**, which further indicates that the accused party acted with concert and common intention. The magnitude and multiplicity of injuries bring the case within the prohibitory clause and do not fall within the ambit of further inquiry.

12. In this regard, guidance can also be sought from **2020 SCMR 1278** (Habib Ullah Jan vs. The State), wherein the Honourable Supreme Court declined bail in a case of multiple injuries supported by medical evidence, holding that where the magnitude of violence is evident and supported by record, no case for further probe is made out.

13. Therefore, considering the grievous nature of injuries, multiplicity of blows and corroboration through medical evidence, the case of **applicant/accused Nasir** squarely falls within the prohibitory clause, hence his bail was **declined** vide short order dated 11.03.2026.

14. Conversely, the case of applicant Bilal stands on a distinguishable footing. Although he is alleged to have caused injury to Umair, it has come on record that Umair did not appear before the Medico Legal Officer (MLO), and thus no medical certificate is available to substantiate the nature or severity of the

alleged injury. In absence of medical corroboration, the allegation remains tentative and unsubstantiated at this stage, thereby creating a dent in the prosecution case qua this accused.

15. It is a settled principle of law that where **ocular account is not supported by medical evidence**, the case of the accused may fall within the ambit of further inquiry. Moreover, the absence of medical examination of the injured deprives the Court of an objective assessment of injury, thus extending benefit of doubt at the bail stage.

16. Accordingly, the case of **applicant/accused Bilal** falls within the scope of further inquiry under Section 497(2) Cr.P.C., and he has rightly been granted the concession of **pre-arrest bail, which was confirmed** on the same terms and conditions vide short order dated 11.03.2026.

17. Likewise, applicant Muhammad Faizan is attributed with causing injury to Azhar under Section 337-F(i) PPC, which, though punishable, does not by itself demonstrate the same level of gravity or multiplicity as seen in the case of co-accused Khurram and Nasir. The injury attributed to Faizan appears to be single and not of such exceptional severity as to irresistibly bring his case within the prohibitory clause, particularly when assessed tentatively at bail stage.

18. Furthermore, no additional aggravating circumstance such as repetition of blows or life-threatening injury has been attributed to him. Thus, his case, when viewed in totality, appears to fall within the ambit of further inquiry, entitling him to the concession of bail. Accordingly, pre-arrest bail earlier granted to Faizan has been confirmed on the same terms and conditions.

19. It is also pertinent to observe that at bail stage, the Court is not required to conduct a deeper appreciation of evidence but only to undertake a tentative assessment to determine whether reasonable grounds exist to believe that the accused is guilty of an offence falling within the prohibitory clause or whether the case calls for further inquiry, as consistently held by the Honourable Supreme Court (**2020 SCMR 937**).

20. In view of the above discussion, the cases of Khurram and Nasir are distinguishable from those of Bilal and Muhammad Faizan on account of nature of injuries, their severity, multiplicity and medical corroboration, therefore, they have rightly been treated differently in accordance with settled principles of criminal jurisprudence, as such, the pre-arrest bail of **applicants/accused Bilal and Muhammad Faizan was confirmed** on the same terms and conditions vide short order dated 11.03.2026.

21. *These are the reasons for my short order dated 11.03.2026.*

22. It is clarified that the observations made herein are purely tentative in nature and shall not influence the trial Court while deciding the case on merits.

JUDGE