

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-389 of 2026

(Muhammad Arif vs. The State)

Applicant : Muhammad Arif son of Muhammad Luqman
Through Mr. Rao Faisal Ali, Advocate.

Complainant : Muhammad Imran son of Muhammad Hassan,
Through Mr. Afzal Karim Virk, advocate for complainant.

Respondent : The State
Through Mr. Neel Parkash, Deputy P.G.

Date of hearing : 27.10.2026

Date of Order : 27.10.2026

ORDER

NISAR AHMED BHANBHRO, J: The applicant Muhammad Arif seeks pre-arrest bail in crime No.86 of 2026, for offence under Sections 324, 506(ii), 337-H(ii), 34 PPC, registered at police station Jhol. It appears from the record that vide order dated 14.07.2026 learned Additional Sessions Judge-I/MCTC, Sanghar granted interim pre-arrest bail to accused Zahid Hussain; however, refused to admit the applicant/accused on interim pre-arrest bail, therefore, instant pre-arrest bail was filed by him before this Court and the applicant was admitted to ad-interim pre-arrest bail on 16.07.2026.

2. The facts of the prosecution case in brief as per the FIR lodged by complainant Muhammad Imran son of Muhammad Hassan, By Caste Rajpoot, R/o Kurkli, Taluka Sinjhoru, at PS Jhol on 02-07-2026 at 2145 hours, are that on 01-07-2026 at 03:30 PM at evening time, he his uncle Noor Hassan s/o Mangta Khan Rajpoot aged about 50 Years, were going to pray at graveyard. When they reached near Noor-e-Muhammadi Mosque Kurkli situated at Jhol Shahdadpur road, suddenly accused namely Samiullah s/o Sadiq alias Dilshad Rajpoot, 2) Arif (Applicant/Accused) s/o Muhammad Luqman Rajpoot, 3) Zahid s/o Habib Ahmed Rajpoot having pistol in their hands and Abdul Hadi s/o Samiullah Rajpoot empty handed, came out from shops. Accused Samiullah Made HAKAL and said "You are filing cases today we will commit your murder" accused Arif Rajpoot (Applicant/Accused) made straight fire from his pistol with intention to

commit murder, which hit to Noor Hassan on right side of his abdomen through and through. Noor Hassan fell down on earth. Subsequently accused Samiullah Made fire upon Noor Hassan with intention to commit his murder but it missed. Accused Zahid caused punch blow to complainant upon his chest and he also fell down. Accused Abdul Hadi Rajpoot caused blow upon sensitive organ of complainant. Complainant party made cries, upon which Muhammad Waqas s/o Qurban Ali, Kamran s/o Muhammad and other people came running. While seeing them, all accused persons went away by making areal fire and issuing threats of murder. Complainant party brought the injured Noor Hassan at PS and after obtaining letter they reached HRC Jhol where from doctor after giving first aid, referred the injured to Lal Bati Hyderabad. Hence complainant after leaving the injured in the hospital came at PS and got registered the above said FIR against the accused persons.

3. Mr. Rao Faisal Ali, learned counsel for applicant contended that the applicant is innocent and has been falsely implicated in this case due to enmity arising out of matrimonial affairs. He further contended that applicant was not present at the place of occurrence at the time of the incident. During the course of investigation, the applicant was placed in Column No.2 by the Investigating Officer. He further contended that during the occurrence persons from both sides sustained injuries and that a counter-version FIR bearing No.97/2026 under Sections 324, 337-F(iv), 337-L(ii), 337-H(ii), 504, 34 PPC was also lodged by applicant at Police Station Jhol against the complainant party. He further contended that applicant is a primary school teacher and has been falsely involved in the case. It was further contended that the matter involves a counter-version and it is yet to be determined after recording evidence which side was the aggressor and which side was aggressed upon. He, therefore, prayed for the grant of bail.

4. On the other hand, the learned Assistant Prosecutor General assisted by the learned counsel for the complainant, Mr. Afzal Karim Virk, opposed the contentions of learned counsel for applicant. They contended that specific role had been assigned to applicant of causing the injury to Noor Hassan, which struck him on the right side of his abdomen and passed through and through. The injury was opined as a body cavity falling within the definition of offence punishable under Section 337-D PPC, carrying punishment of ten years and falling within the prohibitory clause of Section 497 Cr.P.C. It was further

contended that there was no ill will or motive to falsely implicate the applicant and that the findings of Investigating Officer were not binding upon the Court. Moreover, the learned Magistrate had taken cognizance of the case by declining to accept the report submitted by the Investigating Officer. They, therefore, prayed for the dismissal of the bail application.

5. Heard both the sides and perused the record.

6. Admittedly, the FIR was lodged with a delay of about 30 hours without any plausible explanation. As per the report of Investigating Officer, soon after the incident, the complainant party approached the police station and such entry was recorded wherein they alleged that accused Samiullah had caused the injury to Noor Hassan. At the same time, the injured/applicant Muhammad Arif also approached the police station and obtained a letter for medical treatment. It is also a matter of record that applicant Muhammad Arif lodged a counter version FIR bearing No.97/2026 under Sections 324, 337-F(iv), 337-L(ii), 337-H(ii), 504, 34 PPC at Police Station Jhol. The case, therefore, appears to involve a counter-version and it is yet to be determined after recording evidence that which side was the aggressor and which side was aggressed upon. The Investigating Officer has also opined in favour of the applicant and declared him innocent. Though the *ipsi dixit* of police is not binding upon the Court but it can be considered while deciding bail application.

7. In view of the foregoing discussion, the case of applicant calls for further inquiry particularly when the accused persons in Crime No. 97/2026 have also been granted bail. Therefore, the instant bail application is allowed and the interim pre-arrest bail granted to the applicant Muhammad Arif vide order dated 16.07.2026 is hereby confirmed, subject to the same terms and conditions.

8. It is, however, made clear that in the event if, during proceedings, the applicant/accused misuses the bail then the trial court would be competent to cancel his bail without making any reference to this Court.

9. 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.

10. The instant Criminal Bail Application stands disposed of.

JUDGE

APPROVED FOR REPORTING
"Salik"