

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Criminal Bail Application No.S-310/2025

Applicant : Qalander Bux @ Manzoor Hussain Khoso,
Through Mr.Habibullah G. Ghouri, Advocate

Complainant : Through Mr. Amir Ali Sohoo, Advocate

Respondent : The State
Through Mr. Nazeer Ahmed Bhangwar, DPG

Date of hearing : 10.07.2025

Date of order : 17.07.2025

ORDER

KHALID HUSSAIN SHAHANI, J.—Applicant, Qalandar Bux @ Manzoor Hussain seeks post arrest bail in a case bearing crime No. 169 of 2024, registered at Police Station Waleed, for alleged offenses under Sections 324, 506/2, 337A(i), 337A(v), 337-F(i), 148, and 149 PPC.

2. This Court notes that a pre-arrest bail application filed by the applicant was previously dismissed by this very Court on May 19, 2025. The dismissal was based on the presence of an admitted enmity between the parties and the specific role attributed to the applicant in the FIR, i.e., causing a hatchet blow to PW Nadeem. Furthermore, the applicant himself lodged a counter-FIR No. 170 of 2024 at the same police station, which strengthens his presence at the scene. The offense under Section 337-A(v) PPC, carrying a potential punishment of ten years, falls within the prohibitory clause of Section 497(1) Cr.P.C. The applicant has failed to demonstrate any fresh grounds warranting the grant of post-arrest bail that were not considered during the dismissal of his pre-arrest bail application.

3. The prosecution's case stems from an FIR lodged by Saeed son of Mohammad Hassan Khokhar on September 14, 2024, at

18:00 hours, at P.S. Waleed. The complainant alleged that on September 13, 2024, at about 05:30 p.m, while he and his brothers, Nadeem and Ali Raza, were fixing an electricity wire near their cattle shed, six individuals arrived. Of these, five were identified as 1. Manzoor (the applicant), armed with a hatchet, 2. Ghulam Hussain, armed with a *lathi*, 3. Muqeen, armed with a *lathi*, 4. Abdul Waheed, and 5. Adeel, while one person remained unidentified but seen clearly.

4. According to the FIR, accused Manzoor (applicant) verbally confronted Nadeem, questioning his actions regarding the electricity wire and issuing murderous threats. Subsequently, accused Manzoor (applicant) allegedly caused a hatchet blow to Nadeem's head and temporal region with the intention to commit his murder. When the complainant and Ali Raza attempted to intervene, accused Ghulam Hussain allegedly caused *lathi* blows to the complainant's head, back, and right arm, and accused Muqeen allegedly caused *lathi* blows to Ali Raza's back and head. After being given *sakes* of the Holy Quran and hearing cries, the accused allegedly fled, issuing further murderous threats if the wiring was continued. The FIR states that Nadeem sustained serious hatchet blows with bleeding and was promptly shifted to Trauma Center for treatment. It is a crucial fact that subsequent to this incident, the applicant's father, Ameer Bux, lodged a counter-FIR bearing No. 170 of 2024 at the same P.S. Waleed, alleging that the complainant party of the instant case had attacked the applicant's party, resulting in injuries to the applicant (Qalandar Bux @ Manzoor Hussain), who allegedly sustained an iron rod blow to his head. Following the registration of FIR No. 169/2024, the applicant's pre-arrest bail applications before the trial court and this Court were dismissed, and he was taken into custody on May 19, 2025. His subsequent post-

arrest bail application before the trial court was also dismissed on June 02, 2025, leading to the filing of the present application.

5. The learned advocate for the applicant contended that the applicant is innocent and has been falsely implicated due to mala fide intentions and ulterior motives. He raised several grounds for the grant of bail. He highlighted a delay of about 24 hours in the lodgment of the FIR, for which he claimed no plausible explanation was furnished, despite the police station being merely 01 kilometer from the scene. He argued that all prosecution witnesses are interested, being close relatives of the complainant, and no independent witness has been cited, despite the incident occurring on a common street where independent persons' presence cannot be denied. He also characterized the FIR story as "highly improbable and absurd." Crucially, the learned counsel emphasized the existence of two counter-cases (FIR No. 169/2024 and FIR No. 170/2024), stating that it is yet to be determined during trial as to which version of events is correct. He pointed out that the applicant himself sustained an iron rod injury to his head, a vital part of the body, in the counter-incident, necessitating proper medical treatment not possible in jail. He argued that the dismissal of the pre-arrest bail application should not prejudice the grant of post-arrest bail, as the considerations for both are distinct. He contended that the case against the applicant calls for "further inquiry" under Section 497(2) Cr.P.C., as there are no reasonable grounds to believe in his guilt, but rather sufficient grounds for further inquiry. He also stated that the applicant is not a hardened criminal or previous convict.

6. The learned Deputy Prosecutor General for the State, duly assisted by the learned counsel for the complainant vehemently opposed the grant of bail to the applicant. He submitted that the applicant is directly and specifically named in the FIR, and a direct

and active role of causing a hatchet blow to PW Nadeem's head and temporal region has been attributed to him. He emphasized that this injury falls under Section 337-A(v) PPC, which carries a maximum punishment of ten years and, therefore, falls squarely within the prohibitory clause of Section 497(1) Cr.P.C. The learned DPG further argued that the admitted enmity between the parties, as evidenced by the counter FIR No. 170 of 2024 lodged by the applicant's own party, strengthens the prosecution's case and establishes the motive. He contended that the applicant's presence at the scene is unequivocally established by the very fact that his party also lodged an FIR concerning the same incident. He argued that the applicant has failed to demonstrate any grounds for "further inquiry" that would overcome the prohibitory clause, especially given the direct role, the nature of the weapon used, and the vital part of the body targeted, resulting in a serious injury. He submitted that granting bail in such a grave offense, where the applicant is specifically named and a direct overt act is attributed, would be against the established principles of law.

7. This Court has given careful consideration to the arguments advanced by both sides and has thoroughly reviewed the available record. At the outset, it is pertinent to recall that this Court had previously dismissed the pre-arrest bail application of the present applicant on May 19, 2025. The grounds for that dismissal included the admitted enmity between the parties and the specific, direct role attributed to the applicant in FIR No.169/2024, i.e., causing a hatchet blow to PW Nadeem's head and temporal region. The presence of the applicant at the scene is further solidified by the fact that his own party subsequently lodged FIR No.170/2024, a counter-case arising from the same incident.

8. The offense under Section 337-A(v) PPC, which deals with *Shaaaja-i-Hashima* (fracture of skull where bone is fractured without displacement), carries a punishment of imprisonment for a term which may extend to ten years. This punishment clearly brings the offense within the prohibitory clause of Section 497(1) Cr.P.C., which states that bail shall not be granted if there are reasonable grounds for believing that the accused has committed a non-bailable offense punishable with death, life imprisonment, or imprisonment for ten years or more.

9. While the learned counsel for the applicant has raised arguments regarding delay in FIR, interested witnesses, and the existence of a counter-case, these arguments, when viewed against the backdrop of a direct and specific role attributed to the applicant in the FIR, his admitted presence at the scene (as evidenced by the counter-FIR), and the nature of the injury caused to a vital part of the body, do not suffice to bring the case within the ambit of "further inquiry" under Section 497(2) Cr.P.C. The existence of a counter-case, while indicating a dispute, does not *ipso facto* negate the specific allegations and overt act attributed to the applicant in the instant FIR. The question of which version is correct is indeed for the trial court, but at the bail stage, the presence of a direct and specific role in a prohibitory clause offense generally precludes the grant of bail unless exceptional circumstances are demonstrated. The applicant has failed to demonstrate any fresh or additional grounds beyond those already considered and found insufficient during the dismissal of his pre-arrest bail application. The medical treatment argument, while sympathetic, does not override the specific legal bar of the prohibitory clause in the absence of overwhelming medical evidence necessitating release.

10. In conclusion, the direct and specific role attributed to the applicant, coupled with the nature of the injury caused and the offense falling within the prohibitory clause of Section 497(1) Cr.P.C., prevents the grant of bail. The applicant has not successfully demonstrated that there are no reasonable grounds to believe he has committed an offense punishable under the prohibitory clause. For the foregoing reasons, this Court finds no compelling grounds to grant post-arrest bail to the applicant. Accordingly, this Criminal Bail Application is dismissed.

J U D G E

Asghar Altaf/P.A