

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS**  
*Criminal Bail Application No.S-124 of 2025*  
*Ranmal and others vs. The State*  
*Criminal Bail Application No.S-127 of 2025*  
*Ramzan vs. The State*

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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1. For order on office objection.
2. For hearing of main case.

**ORDER**  
**23-07-2025**

Mr. Meer Muhammad Nohri, Advocate for the applicants alongwith applicants Ranmal, Shakar Din and Muhammad Iqbal (on bail).

Mr. Arjan Das, Advocate for the complainant.

Mr. Dhani Bakhsh Mari, Astt: Prosecutor General alongwith I.O /Inspector Salah Ram.

**ORDER.**

Ali Haider ‘Ada’, J:- Through this single order, I intend to dispose of the aforementioned bail applications. Bail Application No. S-124 of 2025 has been filed by the applicants/accused: (1) Ranmal s/o Allahuddin, (2) Shakar Din s/o Allahuddin, and (3) Muhammad Iqbal s/o Allahuddin, as they are seeking pre-arrest bail. While in Bail Application No. S-127 of 2025, the applicant/accused Ramzan s/o Allahuddin seeks post-arrest bail. Both applications arise out of Crime No. 06/2025 registered at Police Station Khokhrapar for offences punishable under Sections 365, 342, 504, 337-A(i), 337-F(i), and 34 PPC. Prior to approaching this Court, the applicants had moved similar bail applications before the learned Sessions Judge, Umerkot, but were unsuccessful in obtaining the relief.

2. The prosecution’s case rests on the FIR lodged on 21-04-2025 at about 2130 hours, wherein the complainant reported that his brother, Abdullah, had been kidnapped and injured by the accused, namely Ranmal, Shakar Din, Ramzan, and Muhammad Iqbal. It is alleged that Ranmal struck Abdullah with the butt of a pistol, causing an injury to his right eye, while the remaining accused inflicted lathi blows to his back. This account was given to the complainant by prosecution witnesses Shahmir and Noor Muhammad. Further, the prosecution maintains that, upon accompanying the police to Ranmal’s residence, they recovered Abdullah and subsequently rescued him along with a motorcycle.

Thereafter, the FIR was lodged. Following a full investigation by the investigating officer, a challan was submitted and the accused were sent up for trial before the competent court.

3. Learned counsel for the applicants submits that there is a delay of one day in lodging the F.I.R, and the statement of the injured/abductee Abdullah under Section 164 Cr.P.C. was recorded after an unexplained delay of nine days, i.e., on 30.04.2025. He contends that general allegations have been levelled against the applicants, and notably, the complainant himself is not an eyewitness to the incident. It is further argued that there is no independent corroboration of the alleged occurrence, and in the absence of such evidence, corroboration is essential. Moreover, enmity between the parties is admitted from a bare perusal of the F.I.R. In support of his contentions, learned counsel has placed reliance upon the cases of *Adrees Ahmad and others v. Zafar Ali and another* (2010 SCMR 64), *Shoaib v. The State* (2012 MLD 1798), and *Muhammad Jawed and 8 others v. The State* (2012 P Cr.L J 617).

4. Conversely, learned counsel for the complainant argues that the injured/abductee Abdullah was recovered from the otaque of accused Ranmal, and the injured has fully supported the version of the complainant and the eyewitnesses, namely Shahmir and Noor Muhammad. He submits that no malafide or ulterior motive is apparent in the prosecution's case. Furthermore, the medical evidence is consistent with the ocular account. As regards the delay in recording the 164 Cr.P.C. statement, he explains that Abdullah was hospitalized due to the injuries sustained, which caused the delay. Nonetheless, sufficient evidence is available on record to support the prosecution's case. He relies upon the cases of *Ghulam Qadir v. The State* (2022 SCMR 750), *Muhammad Faiz alias Bhoora v. The State and others* (2015 SCMR 655), *Ashfaq Ahmed v. The State* (2023 P Cr.L J Note 86), and *Pir Bakhsh and 4 others v. The State* (1999 P Cr.L J 111).

5. Learned State Counsel, while adopting the arguments advanced by the complainant's counsel, submits that the prosecution witnesses Shahmir and Noor Muhammad are eyewitnesses to the incident and have fully supported the prosecution version. Their statements were recorded on 22.04.2025, while the injured Abdullah's statement under Section 161 Cr.P.C. was recorded on 25.04.2025, and his statement under Section 164 Cr.P.C. was recorded on

30.04.2025. The medical evidence corroborates the ocular account and includes a grievous injury declared by the Medical Officer under Section 337-F(vi) P.P.C. (Ghayr Jaifah Munaqqilah), which has been attributed to the accused. He further submits that the grant of bail in such circumstances is exceptional, particularly when the basic ingredients for pre-arrest bail malafide and ulterior motives are absent. He also strongly opposes the grant of post-arrest bail to applicant/accused Ramzan.

6. Heard arguments and perused the material available on record with due care and caution.

7. Firstly, though hearing a bail application, the Court is not required to examine deeply into the merits of the case, as a detailed assessment of the evidence is the domain of the trial Court. However, for the purposes of determining whether a case for the grant or refusal of bail is made out, the Court may touch upon the merits of the case in a tentative manner, without recording any final findings. Reliance is placed upon the case of *Imtiaz Ali and another vs The State (2025 PCr.LJ 786)*, wherein it has been held that:

*It is now established that while granting post and pre-arrest bail, the merits of the case can be touched upon by the Court. Reliance is placed on Miran Bux v. The State (PLD 1989 SC 347), Sajid Hussain alias Joji v. The State (PLD 2021 SC 898), Javed Iqbal v. The State (PLD 2022 SCMR 1424) and Muhammad Ijaz v. The State (2022 SCMR 1271)*

8. In this regard, it is pertinent to note that the prosecution witnesses, Shahmir and Noor Muhammad, disclosed the incident to the complainant, wherein, according to their version, accused Ranmal allegedly inflicted a blow with the butt of a pistol to the injured Abdullah, resulting in an injury to his right eye. As per the medical report, the said injury was declared by the Medical Officer as *Shajjah-e-Khafifah*, which is a bailable offence and does not fall within the prohibitory clause of Section 497(1) Cr.P.C. As for the allegation relating to the injury punishable under Section 337-F(vi) PPC (*Ghayr Jaifah Munaqqilah*), it is observed that no specific attribution has been made as to which accused caused that particular injury. The allegation is general and collective in nature. In support, reliance is placed on the judgment of the Honourable Supreme Court in *Criminal Petition No. 310 of 2025, titled Muhammad Akhter v. The State*, wherein pre-arrest bail was granted in a case under Section 337-F(vi) PPC, holding that the offence does not fall within the prohibitory clause of Section 497(1) Cr.P.C.

9. The prosecution's version, as reflected in the statement of the injured/abductee Abdullah recorded under Section 164 Cr.P.C. on 30.04.2025, appears to be delayed without satisfactory explanation. The contention of learned counsel for the complainant that the delay occurred due to the hospitalization of the injured is not convincing at this stage, as the statement of the injured under Section 161 Cr.P.C. was already recorded on 25.04.2025, i.e., five days prior to his judicial statement under Section 164 Cr.P.C. Even considering the period of alleged hospitalization, the delay in recording the 164 Cr.P.C. statement remains unexplained and casts doubt on the reliability of the version subsequently recorded. In this context reliance is placed upon the case of **Muhammad Ibrahim and another vs The State (2020 PCr.LJ Note 90)**, as held as under:

*9. It also appears that statements under section 161, Cr.P.C. of the prosecution witnesses were recorded on 02.08.2018, much after about one month of the incident without any plausible explanation, which also shows that these witnesses are not eye-witnesses of the incident. In this context reliance is placed on the case of Suba Khan v. Muhammad Ajmal and 2 others (2006 SCMR 66). Further in cases of recording delay in statements under section 161, Cr.P.C. of the witnesses bail has been granted by Lahore High Court in the case of Muhammad Akram v. The State (1997 Cr.LJ 569), wherein it is held as under:-*

*"S. 497(2). Accused would be entitled to bail when statements of P.Ws. recorded two days after occurrence make their case one of further inquiry."*

10. On the factual aspect of the case, it is alleged that the brother of the complainant was kidnapped and the incident took place on 20.04.2025 at about 9:30 p.m. As per Roznamcha Entry No. 09, the complainant contacted the police via cell phone at around 11:30 p.m. and informed them of the incident. However, despite having contacted the police the same night, the F.I.R. was lodged on the next day at about 9:30 p.m., reflecting a delay of nearly ten hours in its registration. This delay is unexplained and raises doubts regarding the credibility of the prosecution version, especially considering that the injured was reportedly recovered at around 1:30 p.m. on 21.04.2025, yet no immediate steps were taken to register the case promptly. Moreover, a perusal of Roznamcha Entry No. 09 reveals that the complainant presented himself as an eyewitness to the incident; however, the record does not support such a claim. It is a settled principle that unexplained delay in the lodging of the F.I.R. can be fatal to the prosecution's case, as it creates room for deliberation, consultation, and fabrication. In this regard, reliance is placed upon the judgment of the

Honourable Supreme Court in case of *Mazhar Ali v. The State and another* (2025 SCMR 318).

11. Furthermore, it is well- recognized proposition of law that the liberty of a person is a precious and fundamental right, enshrined under the Constitution, which cannot be curtailed except in accordance with law and only in exceptional circumstances. It is a settled principle that the liberty of an individual cannot be taken away merely on the basis of bald and unsubstantiated allegations. Arrest and incarceration should never be used as a tool of oppression or punishment at the pre-trial stage. This view finds support in the judgment of the Honourable Supreme Court in case of *Ahmed Nawaz and another v. The State and another* (2024 SCMR 1525), wherein it has been held that:

*In another case titled as Muhammad Nawaz alias Karo,<sup>2</sup> this court discussed the bail in the context of liberty of person and held as under:*

*“This court has time and again held that the liberty of the person is a precious right which cannot be taken away unless there are exceptional grounds to do so. Merely on the basis of the bald allegations, the liberty of person cannot be curtailed.”*

12. In view of the foregoing discussion, and after examining the material available on record, the applicants/accused, namely Ranmal, Shakar Din, and Muhammad Iqbal, have made out a case for confirmation of pre-arrest bail, whereas the applicant/accused Ramzan has made out a case for the grant of post-arrest bail. Accordingly, the interim pre-arrest bail earlier granted to the applicants, Ranmal, Shakar Din, and Muhammad Iqbal, is hereby confirmed on the same terms and conditions. As regards applicant/accused Ramzan, he is admitted to post-arrest bail, subject to his furnishing a solvent surety in the sum of Rs. 50,000/- (Rupees Fifty Thousand only) and a personal bond in the like amount to the satisfaction of the learned trial Court.

**JUDGE**

*\*Saleem\**