

## IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

### Criminal Bail Application No.S-358 of 2025

Applicant : Sanaullah s/o Raza Muhammad Brohi  
Through Mr. Muhammad Afzal Jagirani,  
Advocate.

Complainant : Through Mr. Khadim Hussain Khoso,  
Advocate

The State : Through Mr. Nazeer Ahmed Bhangwar, DPG

Date of hearing : 31-07-2025  
Date of order : 31-07-2025

## **ORDER**

**KHALID HUSSAIN SHAHANI, J**—Applicant Sanaullah seek bail before arrest, in connection with FIR No. 19/2025 registered at Police Station Qubo Saeed Khan. The FIR details alleged offenses under Sections 324, 337-A(i), 337-A(ii), 337-F(i), 148, 149, and 506-B PPC. It is noted that the Applicant's prayer for pre-arrest bail was dismissed by the learned Additional Sessions Judge-II, Shahdadt, vide order dated May 07, 2025, which order stands impugned herein.

2. Learned counsel for the Applicant vehemently contends that the Applicant has been falsely implicated, asserting that this prosecution is a manifestation of a long-standing enmity with the complainant party. It is submitted that the present FIR is not an isolated incident but forms part of a series of malicious prosecutions initiated against the Applicant. To buttress this contention, learned counsel has drawn the attention of this Court to a documented history of prior litigation, inter alia: a) FIR No. 69/2023, lodged by Mushtaq Ahmed, wherein the Applicant was honorably acquitted by the Court of the Additional District Judge, Shahdadt, on November 20, 2023. b) FIR No. 18/2024, lodged by Ali Hassan, wherein the Applicant has been admitted to bail. c) FIR No. 22/2024, lodged by Gul Hassan,

wherein the Applicant was acquitted by the 3rd Judicial Magistrate, Larkana, on January 30, 2025. It is further argued that the gravamen of the accusation in the instant FIR, specifically the allegation of a firearm injury attracting the application of Section 324 PPC, stands directly contradicted by the medical evidence. The Medico-Legal Certificate (MLC), it is highlighted, describes the injury as having been caused by a "hard and blunt substance." This material contradiction, it is urged, fundamentally undermines the prosecution's narrative and renders the matter one necessitating further inquiry.

**3.** Conversely, the DPG, ably assisted by learned counsel for the complainant, has vociferously opposed the grant of bail. They contend that the Applicant is specifically named in the FIR, with a defined role of inflicting injury upon the head, a vital part of the body. They submit that the plea of prior enmity is a double-edged sword, capable of cutting both ways, and assert that the case falls squarely within the prohibitory clause of Section 497(1) of the Criminal Procedure Code, 1898. In support of their contentions, reliance has been placed upon various precedents, including 2020 P.Cr.L.J Note 9, 2020 PLD Supreme Court 293, 2020 SCMR 249, 2009 P.Cr.L.J 251, 2001 P.Cr.L.J 2, 2013 P.Cr.L.J 1583, 2005 P.Cr.L.J 546, and 2019 MLD 831.

**4.** At the bail stage, while a meticulous appreciation of evidence remains beyond the legitimate scope of this Court's jurisdiction, a tentative assessment is imperatively required to ascertain whether reasonable grounds exist to connect the Applicant with the alleged offense. The cornerstone of the prosecution's case is undoubtedly the allegation of a firearm injury ascribed to the Applicant. However, the provisional Medico-Legal Certificate (MLC), which constitutes the primary corroborative medical evidence, categorically records the nature of the weapon as "hard and blunt." This constitutes a material contradiction that strikes at the very root of the prosecution's case. It engenders serious doubt as to whether

the offense under Section 324 PPC is even prima facie made out, thereby effectively dislodging the applicability of the prohibitory clause of Section 497(1) Cr.P.C. The version presented in the FIR is, therefore, not substantiated by the medical evidence currently on record.

5. Furthermore, the argument concerning pre-existing enmity cannot be dismissed lightly in the prevailing circumstances. The Applicant has furnished cogent documentary proof of at least three antecedent criminal cases initiated by the complainant party or their associates, two of which have culminated in his honorable acquittal. This discernible pattern of litigation lends significant weight to the Applicant's plea of *mala fides* and false implication. When such a deep-rooted and judicially documented history of animosity exists, the possibility of exaggeration and false implication cannot be summarily ruled out. The legal principle that enmity is a double-edged sword must be applied with due regard to the peculiar facts of each case, and in the present instance, it appears to operate more profoundly in favor of the Applicant's assertion of innocence than the veracity of the complainant's claims.

6. The case law cited by the learned counsel for the complainant is distinguishable from the facts of the present case. The judgment reported as 2020 P.Cr.L.J Note 9 can be differentiated on the grounds that in the instant case, the enmity is not a mere assertion but is conclusively evidenced by a series of failed prosecutions. The precedent cited as 2020 PLD Supreme Court 293 pertains to the principles governing anticipatory bail, which are inherently distinct from those applicable to post-arrest bail, and is thus not squarely applicable. Other cited case laws are similarly distinguishable from the peculiar facts and circumstances of the present case.

7. In light of the glaring contradiction between the ocular account contained in the FIR and the corroborative medical evidence,

viewed against the backdrop of an established history of enmity leading to previous acquittals, the Applicant has successfully made out a compelling case for the grant of bail. The matter unequivocally requires further inquiry to ascertain the veracity of the prosecution's allegations.

**8.** For the foregoing reasons, the instant bail application is Allowed. The Applicant, Raza Muhammad son of Khan Muhammad Brohi, who is currently on interim pre-arrest bail, shall have the same confirmed under the same terms and conditions previously imposed. The Applicant is hereby directed to attend all hearings of the trial without fail and shall neither tamper with the evidence nor influence any witnesses. Any violation of these stipulated conditions shall invariably lead to the cancellation of his bail. The application stands disposed of in the above terms.

**J U D G E**

Asgar Altaf/P.A