

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR
Criminal Bail Application No. S-253 of 2025

Applicant : Mehrab Ali s/o Mehboob Ali @ Mehboob
by caste Gabole
Through, Mr. Abdul Haque Gadani, Advocate

The State : Mr. Mansoor Ahmed Shaikh, DPG

Date of hearing : 11.08.2025
Date of order : 11.08.2025

O R D E R

Khalid Hussain Shahani J:- Applicant Mehrab Ali, seeks confirmation of interim pre-arrest bail granted on 21.03.2025, in a case bearing Crime No.198 of 2024, registered at Police Station Khanpur Mahar, District Ghotki, for offences under sections 324, 452, 337-A(i), 337-F(i), 504, & 337-H(ii) PPC.

2. The facts, as revealed in the FIR, detail a dispute over landed property between the parties. It is alleged that on 03.12.2024 at 7:30 a.m. the applicant, along with co-accused, entered the complainant's house, where, after an exchange of harsh words, co-accused Muhammad Ibrahim fired at the complainant's cousin Ali Asghar, injuring him on the left side of the head; the present applicant is specifically attributed a lathi blow to Rehmatullah, hitting him on the back/right side of the head, and accused Sohrab gave similar blows. Consequent upon; case was registered inter alia on above facts.

3. Learned counsel for the applicant contends, the applicant has been falsely implicated due to admitted prior enmity over land. He submits that the FIR was delayed by one day without satisfactory explanation and asserts a counter-version, supported by a separate FIR No. 207/2024, in which the complainant's party is also accused of attacking and injuring the applicant and his family members. The medical evidence regarding the injuries is contradictory, and the provisional certificates issued to the complainant party by police and the MLO appear to have been managed, raising doubts about fairness. He argues all prosecution witnesses are close relatives, with no independent corroboration. The principal injury attributed to the applicant has been classified as Shujjah-i-Khafifah punishable under Section 337-A(i) PPC,

which is aailable. Furthermore, it is submitted that even the section 324 PPC, given the facts and evidence, calls for further inquiry under Section 497(2) Cr.P.C. The applicant has no previous criminal history, joined investigation, has not misused the concession of interim bail, and the matter is riddled with animosity and cross versions, which renders the prosecution's story open to doubt.

4. On the other hand, learned Deputy Prosecutor General, objects that the applicant is explicitly nominated in the FIR, with a clear role of causing head injury during armed house trespass. It is argued that medical evidence supports the occurrence, the injuries are on vital parts, and the applicant's bail may prejudice the trial as co-accused remain absconding. The delay in FIR is explained as a result of prioritizing treatment of the injured.

5. Upon hearing arguments and examining material on record, this Court finds the role attributed to the applicant as involving a single lathi blow to Rehmatullah, classified as Shujjah-i-Khafifah and other hurts, under Section 337-A(i) PPC. The record shows longstanding enmity, an admitted cross-version with a counter-FIR, and contradictions in medical and documentary evidence. The prosecution case relies predominantly on related witnesses, with no independent corroboration. It is a settled principle of law, as laid down by the Supreme Court in PLD 2009 SC 427 (Rana Muhammad Arshad v. Muhammad Rafique), that pre-arrest bail is an extraordinary relief, available only where the accused demonstrates prima facie that the circumstances are exceptional, or that he is likely to be falsely implicated through malafide or abuse of law for ulterior motives. The Court, while considering a pre-arrest bail application, must also examine whether reasonable grounds exist to believe that the accused is not guilty and that there are sufficient grounds for further inquiry regarding his guilt. In cases not falling under the prohibitory clause of Section 497 Cr.P.C., bail is generally the rule, and refusal an exception, as explained in Mian Allah Ditta v. The State (2013 SCMR 51). The Courts have consistently hold that the existence of enmity and a counter-case are relevant factors in assessing malafide and further inquiry.

6. On tentative assessment, the circumstances establish grounds for further inquiry under Section 497(2) Cr.P.C. There is clear animosity, cross versions, a simple injury attributed to applicant, and lack of independent witnesses. The principal injury does not attract prohibitory clause, and factors

warrant the applicant's protection from unjustified arrest and humiliation. There is no material that the applicant has misused the concession of bail or attempted to intimidate witnesses.

7. Thus, for reasons stated and in view of the above authoritative pronouncements, the interim pre-arrest bail granted to the applicant Mehrab Ali vide order dated 21.03.2025 is confirmed on the same terms and conditions. The applicant shall attend trial as and when required. The observations herein are tentative and shall not prejudice the merits of the case at trial.

J U D G E