

## IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No. S-137 of 2025

Applicants : 1. Akbar Ali @ Akbar  
2. Ali Asghar @ Asghar, both sons of Dur Muhammad  
3. Khalid s/o Ali Asghar (wrongly mentioned as son of Akbar)  
4. Muhammad Saleem @ Saleem  
5. Abdullah  
6. Rehmatullah, all sons of Muhammad Salah @ Salahoo  
7. Abid Hussain @ Abid s/o Abdullah  
all by caste Gabol,

Through Mr. Ghulam Ali Bozdar, Advocate

Complainant : Mai Zarina, through Mr. Abdul Haque Gadani, Advocate

The State : Through Mr. Mansoor Ahmed Shaikh, DPG

Date of hearing : 11.08.2025

Date of Short order : 11.08.2025

### **O R D E R**

**KHALID HUSSAIN SHAHANI, J.** – The applicants named above seek confirmation of interim pre-arrest bail granted by this Court on 18.02.2025 in a case bearing Crime No.207/2024, registered at police station Ghotki, for the offence under sections 324, 382, 452, 337-F(i), 337-H(2), 147, 148, 149 & 504 PPC.

2. As per prosecution theory, the case was registered on 24.12.2024 by Mst. Zareena, alleging that on 03.12.2024 at about 7:30 a.m., while she, her son, nephew, and other family members were present in their house, the present applicants along with co-accused persons trespassed into the premises, abused them, caused injuries to her relatives, damaged household articles, made aerial firing, and on the strength of firearms took away about twenty head of cattle. The allegation of causing firearm injury is specifically directed against co-accused Ali Gul, whereas the allegation of causing a lathi blow is attributed to co-accused Bhaleem; both of these co-accused are

absconders. Against the present applicants, the allegations in the FIR are general in nature regarding participation in the incident.

3. Mr. Bozdar, learned counsel mainly contended that the applicants are innocent and have been falsely implicated due to a longstanding dispute over landed property, which fact stands admitted by the complainant herself in the FIR. He argued that this is in fact a counterblast to FIR No. 198 of 2024, lodged on the same date and time at the same police station by co-accused Bhaleem against the complainant's husband Sohrab and other members of her side, in which applicants No. 2 and 6 sustained injuries. It was further argued that there has been an unexplained delay of twenty one days in lodging the present FIR despite the police station being at a distance of merely 19 to 20 kilometres from the place of occurrence, thereby affording sufficient opportunity for deliberation and false implication. Counsel submitted that no specific overt act, firearm injury or injury with any weapon is assigned to the present applicants, and only omnibus allegations have been levelled against them. All prosecution witnesses, he pointed out, are close relatives of the complainant, and despite the occurrence having allegedly taken place in broad daylight in a village environment, no independent witness has been cited. As regards the allegation of theft of cattle, learned counsel argued that a police report submitted before the learned Magistrate on his direction denied the allegation of forcible removal of cattle and confirmed that the dispute between the parties is over land, and that a counter case is already pending. It was thus submitted that the prosecution case against the present applicants is one of further inquiry under section 497(2) Cr.P.C., there is no apprehension of tampering with prosecution evidence as all witnesses are related to the complainant, and the applicants have remained on interim bail since 18.02.2025 without complaint of misuse of concession or non-cooperation with investigation.

4. Mr. Mansoor Ahmed Shaikh, earned Deputy Prosecutor General, duly assisted by Mr. Abdul Haq Gadani, Advocate for the complainant, opposed the confirmation of bail, contending that the applicants, along with their absconding co-accused, formed an armed unlawful assembly which trespassed into the house of a woman complainant during morning hours, committed assaults on the complainant party, damaged household articles, and removed cattle, thereby committing serious offences which carry severe punishments. It was argued that although the specific acts of causing firearm

and lathi injuries are assigned to the absconding accused, the present applicants are vicariously liable under section 149 PPC for the unlawful objectives of the assembly. It was further submitted that the delay in lodging of FIR stands explained in view of the influence and threats extended by the accused party, and that the gravity of the offence and the stage of investigation, particularly with regard to recovery of stolen cattle, militate against granting such extraordinary relief.

5. I have considered the submissions of the learned counsel for the parties and examined the record with their assistance. There is no dispute that the specific acts of causing firearm and lathi injuries are attributed to co-accused who are absconding, and none of the alleged specific acts is assigned to the present applicants. The record reflects the admitted existence of enmity over landed property between the parties, and a counter FIR has been registered by the accused side against the complainant's side on the same date and time, in which injuries to some of the present applicants stand documented. The FIR in the present case was lodged after an unexplained delay of twenty-one days, which, when coupled with the admitted background of animosity and the police report negating the cattle theft allegation, renders the prosecution case against the present applicants open to serious doubt at this stage and makes it one of further inquiry within the contemplation of section 497(2) Cr.P.C. Significantly, the applicants have been on interim bail for almost six months, have joined investigation, and no material has been placed before the Court to suggest misuse of the concession of bail or tampering with prosecution witnesses.

6. In these circumstances, and bearing in mind that pre-arrest bail is meant to protect liberty where arrest appears to be motivated by mala fide or to cause irreparable harm, I am persuaded that the applicants have made out a case for confirmation of interim pre-arrest bail. Consequently, the interim pre-arrest bail granted to the applicants vide order dated 18.02.2025 is confirmed on the same terms and conditions, subject to their continued cooperation with the investigation and attendance at trial proceedings. Any misuse of this concession shall entail its recall in accordance with law.

7. Observations herein are tentative and shall not prejudice the trial Court in deciding the case on merits.

**J U D G E**