

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
MIRPURKHAS.**

Criminal Bail Application No.S-66 of 2025

Applicants: Rab Dino, Habibullah @ Habib, Muhammad Ramzan @ Ramzan, Abdul Haq, Saleh, Niaz Ahmed, Muhammad Hanif, Abdul Hafeez, Jatoi and Sikiladho @ Sikandar through Mr. Mir Muhammad Nohri, Advocate.

Respondent: The State through Mr. Ghulam Abbas Dalwani, Deputy Prosecutor General, Sindh.

Complainant: Anwar (present in person) through Mr. Mir Sarfaraz Ali Talpur, Advocate for complainant.

Date of hearing: **05.08.2025**

Date of Order: **05.08.2025**

O R D E R

AMJAD ALI SAHITO, J:- Through instant bail application, the applicants/accused above named seek their pre-arrest bail in Crime No.11 of 2025, under sections 147, 148, 149, 506(ii), 504, 114, 337-A(ii), 337-A(i) and 337-L(ii) PPC, registered at P.S Diplo, after their bail plea was declined by the learned Sessions Judge, Tharparkar at Mithi vide order dated 07.03.2025.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Per learned counsel, the applicants/accused are innocent and have falsely been implicated in the case in hand; that the FIR has been lodged with the delay of more than 50 days without any plausible explanation; that there is counter versions; that no specific role assigned by the complainant and the role assigned to

the applicant/accused is general in nature; that the complainant involved the applicants/accused in order to make pressure upon the accused party. He further argued that the applicants/accused have joined the investigation and no more required for further investigation and applicants are entitled for pre-arrest bail and prayed for confirmation of instant bail application.

4. On the other hand, learned counsel for complainant and learned D.P.G vehemently opposed for grant of bail to the applicants/accused. They have argued that the applicants/accused are specifically nominated in the FIR and incident took place between the parties. The applicant/accused Habibullah caused iron rod to injured Manzoor and his injury was declared as 337-A(ii) PPC. The applicants/accused are not entitled for the extra ordinary relief of pre-arrest bail and prayed for its dismissal.

5. Heard the learned counsel for the respective parties and perused the material available on the record.

6. Upon perusal of the record, it transpires that although the names of the applicants are mentioned in the FIR, the allegations attributed to them are of a general nature. The specific role ascribed to applicant/accused Rab Dino is limited to that of instigation, and it remains to be determined during the course of trial whether the accused shared a common intention in the commission of the alleged offence. Moreover, the FIR was lodged after an unexplained delay of fifty (50) days, without any cogent justification, and no specific role has been delineated by the complainant. The learned counsel for the applicants/accused has further alleged mala fides on the part of the complainant, asserting that the applicants have been falsely implicated due to a property dispute, which the complainant himself has admitted in the FIR. The challan has already been submitted, and the applicants/accused are no longer required for the

purposes of further investigation.

7. In view of above discussion, learned counsel for the applicants/accused has made out a good case for confirmation of bail in the light of sub section (2) of Section 497 CrPC, hence the instant bail application is allowed and interim pre arrest bail already granted to the applicants/accused is confirmed on same terms and condition.

8. Needless to mention that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.

JUDGE