

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

Criminal Bail Application No.S-105 of 2025

Applicants: Mst Isha and Mureed applicants in person.

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

Complainant: Muhammad Imran (present in person) through Mr. Mir Muhammad Nohri, Advocate for complainant.

Date of hearing: **19.08.2025**

Date of Order: **19.08.2025**

O R D E R.

AMJAD ALI SAHITO, J:- Through this bail application, the applicants/accused above named seek their pre-arrest bail in Crime No.08 of 2025, under sections 302, 114 & 34 P.P.C, registered at P.S Taluka Mirpurkhas, after their bail plea was declined by the learned Additional Sessions Judge-I/MCTC, Mirpurkhas.

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. The applicants are present on bail; however, their counsel is absent. Interim pre-arrest bail was granted to them on 28.04.2025. Since then, their counsel has repeatedly remained absent on one pretext or another and is avoiding proceeding with the matter and today also same position and their counsel is called absent.

4. Applicants are present and states that they are

innocent have falsely implicated in this case.

5. Learned counsel for the complainant has read out the contents of the FIR and has vehemently opposed the grant of bail to the applicants/accused and he further submits the deceased Muhammad Anus received almost 13 injuries on his head and other part of the body. He further contends that the applicants/accused are not entitled for the extra ordinary relief of pre-arrest bail and prayed for its dismissal.

6. Learned D.P.G also supported the contentions of the learned counsel for the complainant and opposed for grant of bail.

7. Heard and perused.

8. From the perusal of the record, the specific role attributed to the applicant, Mst. Isha, is her alleged involvement in a quarrel. Such allegation is a matter to be determined at the stage of recording evidence. Consequently, the interim pre-arrest bail earlier granted to Mst. Isha by this Court is hereby confirmed, subject to the same terms and conditions.

9. With regard to the case of the principal accused/applicant Mureed, it is evident from the FIR that his name has been specifically mentioned with the allegation that he inflicted brick blows upon the head of the deceased, Muhammad Anus, who sustained thirteen injuries on his head and other parts of the body. As a result of the said injuries, the deceased became critically injured, lost consciousness, and was shifted to Civil Hospital, Hyderabad, where he subsequently succumbed to the injuries. The ocular account of the incident finds corroboration from the medical evidence, and the prosecution witness/eyewitness, namely Muhammad Aman, has supported the complainant's version in his statement recorded under Section 161, Cr.P.C.

10. At bail stage, only tentative assessment is to be made. Sufficient material is available on the record to connect the applicant Mureed with the commission of alleged offence. The offence with which the applicant stand charged fall within the prohibitory clause of Section 497

Cr.P.C Furthermore, no ill-will or malafide is alleged against the complainant party by the applicants even otherwise they have shown in F.I.R with specific role. In this regard, I am fortified with the case law of Hon'ble Supreme Court of Pakis [2019 S CMR 1129] wherein the Hon'ble Supreme Court of Pakistan has held as under:

"Grant of pre-arrest bail is an extra ordinary remedy in criminal jurisdiction; it is diversion of usual course of law, arrest in cognizable cases; a protection to the innocent being hounded on trump up charges through abuse of process of law, therefore a petitioner seeking judicial protection is required to reasonably demonstrate that intended arrest is calculated to humiliate him with taints of mala fide; it is not a substitute for post arrest bail in every run of the mill criminal case as it seriously hampers the course of investigation..... the principles of judicial protection are being faithfully adhered to till date, therefore, grant of pre-arrest bail essentially requires considerations of malafide, ulterior motive or abuse of process of law."

11. The applicant Mureed has failed to establish the case for the confirmation of interim pre-arrest bail. Accordingly, the interim bail already granted to the applicant/accused Mureed is hereby **dismissed**. The interim bail granted to the applicant Mureed vide order dated **28.04.2025** is hereby **recalled**.

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

JUDGE