

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

Criminal Bail Application No.S-157 of 2025

Applicant: (i). Wazeer s/o Rasool Bux.
Through Mr. Abdul Hafeez
Mari, Advocate.

(ii). Mumtaz Ali s/o Dodo
Khan.
Through Mr. Yar Muhammad
Mangrio, Advocate.

Respondent: The State through Mr. Neel Parkash,
Deputy Prosecutor General, Sindh a/w
Deputy Secretary Health, Deputy
Director General Health and DHO
Mirpurkhas.

Complainant: Pir Bux (Called absent)

Date of hearing: **09.09.2025**

Date of Order: **09.09.2025**

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.22 of 2025, under sections 324, 341, 382, 427, 337-F(i), 147, 148, 149, 504 PPC, sections added in challan 337-F(iv) & 337-F(vi) PPC, registered at P.S Naukot, after their bail plea was declined by the learned Additional Sessions Judge-II, 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. In compliance of order dated 26.08.2025 the Deputy Secretary Health, Sindh appeared on behalf of Secretary Health Government of Sindh and submitted certain documents, which are taken on record, whereas show

cause notice issued against the Secretary Health Government of Sindh is hereby vacated.

4. Learned counsels for the applicants/accused have argued that the applicants are innocent and have falsely been implicated in the instant case with mala fide intent, otherwise the FIR was lodged after an unexplained and inordinate delay of seven days, which casts serious doubt on the veracity of the allegations. They have further submitted that from the contents of FIR it appears that the complainant with malafide intention and ulterior motive implicated 22 accused persons, whereas the incident has taken place in night hours and the source of identification was only vehicles' light. The injuries of injured was declared by the doctor under section 337-(vi) PPC, same was challenged by the applicant/accused Mumtaz Ali before the Medical board, but the complainant has not appeared before the Medical board, which shows malafide of the complainant. They have further argued that the complainant being a police official has misused his powers and falsely implicated the present applicants in this case. They have further argued that the applicants/accused are entitled for the confirmation of interim pre-arrest bail.

5. On the other hand, learned D.P.G has vehemently opposed the confirmation of pre-arrest bail to the applicants/accused and he has further argued that the names of the applicants/accused transpired in the FIR and they appeared at the place of incident with their common object and they are not entitled for the concession of bail. Lastly he has prayed for its dismissal.

6. Heard and perused.

7. It is an admitted fact that the FIR was lodged with a delay of seven days without furnishing any plausible explanation. In the said FIR, the complainant has implicated approximately twenty-two persons, wherein the alleged source of identification was merely the illumination of vehicles' headlights. The injury

attributed to the applicant/accused Wazeer is bailable in nature, whereas the role assigned to the applicant/accused Mumtaz Ali pertains to causing a hatchet blow on the arm of injured Ali Nawaz. The said injury was declared by the medical officer as falling under Section 337-F(iv), PPC; however, the same has been challenged by accused Mumtaz Ali before the Medical Board.

8. Furthermore, on the last date of hearing, the Medico-Legal Officer was in attendance, and the Secretary Health was directed to conduct an inquiry against Dr. Muhammad Arif Kunbhar, who had issued a provisional Medico-Legal Certificate without obtaining the mandatory countersignature of the Medical Superintendent. In view of his misconduct, a show-cause notice was accordingly issued to the Secretary Health, Government of Sindh.

9. Learned counsel for the applicants have further pleaded malafide on the part of the complainant, asserting the existence of prior enmity. It has also been alleged that the complainant, being a Head Constable in the Police Department, has misused his official position to falsely implicate the present applicants/accused persons.

10. In view of the above the learned counsels for the applicants have made out a case for the confirmation of bail under Subsection (2) of Section 497, Cr.P.C. Accordingly, the interim bail already granted to the applicants/accused is hereby **confirmed** on same terms and conditions.

11. 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