

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

Crl. Bail Application No.S-226 of 2025

Applicant: Eidan Khan son of Noor Muhammad,
Through Mr. Muhammad Sharif "Asif" Misrani,
Advocate.

Respondent: The State.
Through Mr. Shahzado Saleem, A.P.G Sindh.

Complainant: Qadir Bux son of Muhammad Younas.

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 applicant/accused seeks pre-arrest bail in Crime No.89/2025 for offence under sections 324, 114, 337-H(ii), 147, 148, 149 and 504 P.P.C registered at PS Mangli, after his bail plea has been declined by the learned Additional Sessions Judge-I/MCTC, Sanghar vide order dated 21.08.2025.

2. The details and particulars of the F.I.R are already available in bail application and the F.I.R, as such, need not to reproduce the same hereunder.

3. Per learned counsel, the applicant/accused is innocent and has been falsely implicated in this case by the complainant; the F.I.R is delayed for about one day for which no plausible explanation has been furnished by the complainant; no incident has taken place as alleged by the complainant. He further submits that all the sections are bail able except section 324 P.P.C which would be determined at the time of trial. Lastly, he prayed for confirmation of bail.

4. On the other hand, learned A.P.G has vehemently opposed the grant of bail to the applicant/accused.

5. Heard and perused.

6. The allegations levelled against the applicant/accused are that they purportedly misappropriated the documents pertaining to the agricultural land of the complainant party and managed to effectuate the transfer of the said land in their own names, which was subsequently declared bogus by the competent Court of law. Upon losing the said case, it is alleged that approximately six (06) persons, duly armed with guns, pistols, and a repeater, appeared at the place of occurrence and resorted to indiscriminate firing upon the complainant party.

7. The specific role attributed to the present applicant/accused is that he allegedly fired from his gun at the cousin of the complainant, namely Muhammad Khan, which struck his right shoulder/arm, causing him to fall down upon receiving the injuries. It is further alleged that other witnesses also sustained injuries during the said incident.

8. The eye-witnesses, including the injured witnesses, have fully corroborated the version of the complainant in their statements recorded under Section 161, Cr.P.C. Furthermore, the ocular account stands supported by the medical evidence available on record. At the stage of consideration of bail, only a tentative assessment is to be undertaken; however, sufficient material is available to prima facie connect the applicant/accused with the commission of the alleged offence, and no mala fide or ill will has been attributed to the complainant by the applicant. In this regard, I am fortified with the case law of Hon'ble Supreme Court of Pakistan **[2019 SCMR 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."

9. The applicant has failed to make out a case for the confirmation of pre-arrest bail within the contemplation of subsection (2) of Section 497, Cr.P.C. Consequently, the instant bail application filed by the applicant/accused stands **dismissed**. The interim pre-arrest bail already granted to the applicant vide order dated **29.08.2025** is hereby **recalled**.

10. The observations made in this decision are of a tentative nature and will not influence the merits of the case.

JUDGE

Faisal