

**HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD**

Cr. Bail Application No.S-316 of 2025.

DATE	ORDER WITH SIGNATURE OF JUDGE
	1. For orders on office objection(s).
	2. For hearing of main case.

17.06.2025.

Mr. Herchand Kumar, Advocate for applicant/accused.

Mr. Khadim Hussain Laghari, Advocate for complainant.

Mr. Irfan Ali Talpur, Deputy Prosecutor General for the State a/w ASI Allah Jurio Daudani from PS Badin.

**O R D E R**

Amjad Ali Sahito, J:- Through the instant Bail Application, applicant/accused namely Khan Muhammad s/o Ahmad Mallah is seeking pre-arrest bail in crime No.507/2024 registered at Police Station Badin, for the offence under section 454, 337A(i), 337A(ii), 337L(ii), 337F(i), 509, 34-PPC. Earlier his pre-arrest bail plea was declined by the learned Additional Sessions Judge-II, Badin vide order dated 24.01.2025 and his interim relief was recalled.

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

3. The learned Counsel for the applicant/accused argued that the applicant/accused is innocent and he has falsely been implicated in this case. He has further contended that as per FIR, the present applicant/accused was holding hatchet, but in application U/s 22A&B Cr.P.C filed before Ex-officio Justice of Peace an iron rod was alleged with present applicant/accused Khan Muhammad. He further submits that the

present applicant/accused is no more required for further investigation and due to enmity the present applicant/accused has falsely been implicated in this case. He lastly prayed for confirmation of bail to the applicant.

4. On the other hand, learned Counsel for the complainant vehemently opposed for confirmation of bail to the present applicant/accused and argued that in fact the present applicant/accused was armed with hatchet and he had caused sharp side of hatchet blow to the injured namely Mst. Bakhtawar on her head and as per medical certificate, such injury has been declared as 337A(ii). He further submits that the present applicant/accused has misused the concession of pre-arrest bail as he after grant of pre-arrest bail had committed another offence with the complainant party and resultantly another FIR bearing crime No.170 of 2025 was also registered at PS Badin against him. He prayed for dismissal of bail plea of applicant/accused.

5. On his turn, learned D.P.G for the State also opposed for confirmation of bail to the present applicant/accused and states that ocular evidence finds support from the medical evidence.

6. Heard & perused the record.

7. A tentative assessment of record reflects that the name of the present applicant/accused is appearing in the FIR with specific role that on the day of incident, he entered into the house of complainant Muhammad @ Meer, where he had caused multiple blows to the injured namely Mst. Bakhtawar including hatchet blow and she is also present in the Court and it can be noted that injuries are received by her. Furthermore, the ocular evidence finds support from the medical evidence. PWs in their 161 Cr.P.C statement have fully supported version of the complainant. The learned Counsel for the complainant has also produced copy of FIR, wherein it can be noted that after obtaining interim pre-arrest bail, the present applicant/accused had committed another offence and such FIR bearing crime No.170 of 2025 was also lodged at PS Badin against him, which shows that he has misused the concession of bail. It is the well-settled principle of law that at the bail stage only a tentative assessment is to be made. Sufficient material is available on the record which connects the present applicant/accused with the commission of alleged offence.

8. In view of the above facts and circumstances, the applicant/accused has failed to make out the case for further inquiry as envisaged in subsection 2 of section 497 Cr.P.C. Consequently, instant Criminal Bail Application is **dismissed** and the interim pre-arrest bail granted earlier to the applicant/accused by this Court vide order dated 26.03.2025 is hereby **recalled**.

9. 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 applicant on merits.

JUDGE

Ali.