

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S-663 of 2025

Applicant : Zahid Hussain son of Jumo by caste Hingoro
Through Mr. Manzoor Hussain Aradain Advocate

Complainant : Muhammad Attal s/o Sukhero, by caste Shar
Through Mr. Waseem Ahmed Sundarani
Advocate

The State Through Mr. Mansoor Ahmed Shaikh, DPG

Date of hearing : 20.10.2025
Dated of order : 20.10.2025

ORDER

KHALID HUSSAIN SHAHANI, J.– Applicant Zahid Hussain, seeks confirmation of the ad-interim pre-arrest bail granted on 5th August 2025 in a case bearing crime No.07/2025, for offences under sections 337A(i), 337F(i), 337A(iii), 504, and 34 PPC, registered at Police Station Khenwari, District Khairpur.

2. The FIR lodged on 5th February, 2025 by Muhammad Attal Shar alleges that on 21st January, 2025 over a dispute concerning cattle grazing, the applicant Zahid Hussain, armed with a hatchet along with co-accused persons armed with lathies and pistols, attacked the complainant's party. It is claimed that the applicant caused a hatchet blow to the left side of the head of the complainant's nephew Jatoi, resulting in a grievous injury. The injured was taken to the police station, referred to the NARA Gate medical facility and subsequently to Civil Hospital Khairpur. After final medical certification, the FIR ensued on the basis of these facts.

3. Learned counsel for the applicant vehemently submits that the applicant is innocent and has been falsely implicated out of malice and enmity, noting the admitted rivalry between the parties. The FIR was lodged after an unexplained and inordinate delay of about fifteen days, which casts serious doubt on the prosecution's timeline. Moreover, prior to the alleged incident, it

is contended that the complainant's party first attacked the applicant's party, resulting in injuries and leading to a counter FIR (Crime No.09/2025), where the complainant's side has been released on bail. Attention is drawn to discrepancies in medical evidence where the provisional medico-legal certificate bears date of examination of injured Jatoi on 25th January 2025, four days post-incident alleged to have occurred on 21st January, 2025 though having sustained grievous injury, subsequently opined as *Shajjah-i-hashimah* 337 A(iii) PPC and the final certificate issued after a significant lapse of time, all undermining the prosecution's case. Moreover, co-accused Muhammad Bux and two others have already been afforded pre-arrest bail by the learned IIIrd Additional Sessions Judge Khairpur, and it is submitted that the principle of consistency demands the same concession for the applicant.

4. Counsel for the State and the complainant oppose confirmation of bail, stressing the serious nature of the injury caused specifically by the applicant with the hatchet blow to a vital part of the body, differentiating his case from that of the co-accused. They also justify the delay in FIR lodging on medical treatment grounds, seeking to dispel any suspicion of malafide intent and relying upon case law reported at 2021 YLR 1342 and 2025 MLD 381.

5. A close examination of the record reveals that the incident occurred on 21st January 2025, yet the FIR was registered after a gross delay of fifteen days without any sufficient explanation. Further, while prosecution asserts that the injured was taken to hospital the same day, medical reports show the provisional certificate dated 25th January 2025, which raises questions about the immediacy of medical treatment for what is alleged to be a grievous injury. No documentary proof has been presented to support the claim that the injured sought treatment at a private hospital on the date of the incident. These contradictions afford reasonable grounds to classify this case under "further inquiry" as contemplated by Section 497(2) Cr.P.C. In light of

the admitted enmity and the contradictory evidence, the possibility that the applicant was falsely implicated cannot be disregarded. It is also noteworthy that a counter FIR exists, with the complainant's party on bail, thereby strengthening the applicant's plea for equal treatment under the law. Given that co-accused have already been granted pre-arrest bail by the learned IIIrd Additional Sessions Judge khairpur and that the investigation has concluded with the charge-sheet submitted, there remains no requirement for the applicant's continued custody. The applicant has joined the trial proceedings, further substantiating the case for bail.

6. Consequently, the applicant has successfully established a case for further inquiry under Section 497(2) Cr.P.C. This Court, therefore confirms the interim pre-arrest bail on the same terms and conditions. The applicant is directed to cooperate fully, joining the investigation and trial as required.

7. It is expressly clarified that the observations made herein are tentative and are not to influence the merits of the trial or prejudice either party in any manner.

J U D G E