

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Criminal Bail Application No. S-295 of 2024

Applicants : Manzoor Ali, Sadaquat Ali & Nasrullah, all by
caste Khaskheli, through Mr. Ghulam
Muhammad Barejo, Advocate

Complainant : Muhammad Siddique, through Mr. Sher Ali
Chandio, Advocate.

Respondent :
The State
Through Mr. Aitbar Ali Bullo, Deputy
Prosecutor General, Sindh.

Date of Hearing : 16.10.2025

Date of Order : 16.10.2025

ORDER

AMJAD ALI SAHITO, I-- Through this Bail Application, the applicants/accused Manzoor Ali, Sadaquat Ali and Nasrullah seek pre-arrest bail in Crime No.08 of 2024 registered with Police Station Fareedabad, District Dadu, for the offence under Sections 324, 337-A(i), F(i), 337-H(ii), 504, 147, 148, 149 & 114 PPC, after their bail plea has been declined by the learned Addl. Sessions Judge-II, Dadu, vide order dated 24.04.2024.

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

3. Per learned counsel for the applicants, applicants are innocent and have falsely been implicated in this case; that a dispute is already going on between the parties over matrimonial affairs, for which FIR has also been registered at the same police station; that complainant and legal heirs have sworn affidavits before the learned trial Court whereby co-accused Hazur & Khatir have been granted pre-arrest bail. Lastly, he prays for

confirmation of bail. In support of his contention, learned counsel placed reliance upon case reported as PLD 1989 Supreme Court 347.

4. On the other hand, learned Deputy P.G, Sindh opposes the bail application on the ground that all three accused are nominated in the FIR; that on the instigation of co-accused Khatir, accused Manzoor fired upon nephew of the complainant Abdul Sattar, which hit him on his leg and is declared as Shujja-i-Ghayr Jaifah, whereas, accused Sadaqat caused injuries to his brother Abdul Jabbar which hit on his head and other parts of body, and is are declared as Shujja-i-Khafifah.

5. Mr. Sher Ali Chandio, Advocate files Vakalatnama on behalf of the complainant, which is taken on record. He, however, adopts the arguments advanced by learned Deputy P.G, Sindh and opposes the bail application.

6. Heard arguments and perused the record.

7. From perusal of record, it reflects that nearly 9 accused persons duly armed with pistol, Danda and hatchets appeared at the place of incident and attacked upon the complainant party. Whereas, role assigned to accused Manzoor Ali that he has caused straight fire from his pistol in order to commit the murder of nephew of the complainant namely Abdul Sattar which hit him on his right leg, whereas, role assigned to accused Nasrullah that he has caused Danda blows to brother of the complainant namely Ali Khan, which hit on his left arm and head, whereas role assigned to accused Sadaquat that he caused injuries to his brother Abdul Jabbar whit hit him on his head and other parts of body. The ocular evidence finds support from the medical evidence. The PWs in their 161 Cr.P.C. statement have also supported the version of the complainant. At bail stage, only tentative assessment is to be made. No ill-will or malafide or enmity has been pleaded by the learned counsel for the applicants for false implication of the applicants in this case.

8. Further, the concession of pre-arrest bail cannot be allowed to an accused person unless the Court feels satisfied with the seriousness of the accused person's assertion regarding his intended arrest being actuated by *mala fide* on the part of the complainant party or the local police but not a

word about this crucial aspect of the matter is found as no *mala fide* is made on the part of the complainant to believe that the applicant/accused has been implicated in this case falsely. In this context, the reliance is placed to the case of '*Rana Abdul Khaliq v. The STATE and others*' [2019 SCMR 1129]. In addition to the above, I would like to mention that grant of pre-arrest bail is an extraordinary remedy in criminal jurisdiction; it is a diversion of the usual course of law, arrest in cognizable cases; protection to the innocent being hounded on trump up charges through abuse of process of law, therefore, an applicant 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 the investigation.

9. In view of the above, the instant bail application is **dismissed**. Resultantly, the interim pre-arrest bail granted to the applicants/accused vide order dated 24.05.2024 is hereby recalled.

10. 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/accused on merits.

JUDGE