

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail Application No. S-566 of 2025

Applicants : 1) Khair Muhammad s/o Muhammad Dawood, Abro
: 2) Muhammad Ramzan s/o Morial, Abro
Through Mr. Abdul Baqi Jan Kakar, Advocate
Complainant : Muhammad s/o Muhammad Morial,
Through Mr. Riaz Ali Shaikh, Advocate
The State : Through Mr. Muhammad Raza Katohar,
Deputy Prosecutor General
Date of hearing : 04.09.2025
Date of order : 04.09.2025

ORDER

KHALID HUSSAIN SHAHANI, J. – Applicants Khair Muhammad and Muhammad Ramzan, seek pre-arrest bail in a case bearing crime No.15/2024, for offences punishable under Sections 337-A(i), 337-A(iii), 337-A(v), 337-A(vi), 337-F(i), 337-F(vi), 147, 148, 149, 504 & 34 PPC, registered at Police Station Kamal Dero, District Naushahro Feroz. Their earlier plea for bail was declined by the learned Additional Sessions Judge, Kandiaro, vide order dated 02.07.2025.

2. The case of the prosecution, briefly stated, is that the complainant, owner of agricultural land in Deh Mahesar, had a dispute with accused Muhammad Ramzan over cultivation of land. A Faisla was convened before village elders but the accused remained dissatisfied and threatened to harm the complainant and his family. On 07.05.2024 at about 1:30 p.m., when the complainant along with his relatives went to their land for threshing wheat crop, accused Muhammad Ramzan armed with a rifle, accompanied by co-accused armed with iron rods and lathis, attacked them. Specific blows were inflicted upon the complainant and his family members, resulting in head and other injuries. On their cries, villagers gathered, whereupon the accused abused them and fled away. As a result of the assault, grievous injuries were sustained by the complainant's party.

3. Learned counsel submits, the applicants are innocent and have been falsely implicated due to admitted enmity. He added, the applicants themselves had sustained injuries in the same occurrence and later lodged FIR No.08/2025 against the complainant party; therefore, yet to be determined at the time of trial, which party is aggressor and which aggressed upon. He put stance that since the complainant party's nominated accused are already on bail, the applicants are entitled to the same relief.

4. On the other hand, learned counsel for the complainant and the learned Deputy Prosecutor General oppose bail, arguing that the bail plea has already been dismissed at all judicial forums up to the Honourable Supreme Court and no fresh ground is available to reconsider the matter.

5. Record reflects, the applicants' previous bail applications were dismissed on merits by the Additional Sessions Judge on 29.06.2024, by this Court on 21.02.2025, and their petition before the Supreme Court (CPLA No.273/2025) was withdrawn as not pressed on 24.03.2025. Thereafter, the present defence was built on the basis of a belated FIR lodged after nine months, which prima facie appears to be an afterthought and counterblast against the complainant party.

6. It is relevant that, under settled law as laid down by the Honourable Supreme Court in *Sughran Bibi v. The State* (PLD 2018 SC 595), only one FIR may be lodged for a single occurrence, and any subsequent version should be dealt with during investigation or trial. The belated lodging of a counterblast FIR thus creates serious doubt about its bona fides, particularly when the same ground was not raised in earlier bail applications and only surfaced after the matter had been declined up to the apex court. The applicants' attempt to re-agitate bail without any substantially new or exceptional ground falls foul of the legal principles set forth in *Muhammad Tanveer v. The State* (PLD 2017 SC 733), where it is held that repeated bail pleas are not maintainable in the absence of material change in circumstances.

7. The concession of pre-arrest bail is an extraordinary relief, which cannot be extended unless an accused demonstrates exceptional circumstances, such as malice or mala fide on the part of the prosecution. The mere fact of parity with other co-accused or the existence of a counterblast FIR does not constitute a sufficient basis for bail where the facts and circumstances do not warrant such relief. This court in Crl. Bail Application No.S-312 of 2022, observed that a counterblast FIR, particularly where injuries in the secondary version are trivial and the primary FIR is corroborated by medical evidence, does not provide a valid ground for bail. The record must be scrutinized to see whether the applicant is prima facie connected with the offence and whether the counterblast is a mere afterthought or a defensive ploy. The court emphasized that without a genuine change in circumstances, recalling interim pre-arrest bail serves no useful purpose and that repeated applications without new grounds should be dismissed.

8. Furthermore, the belated assertion of counter injuries by the defence does not constitute a fresh ground when the matter has already attained finality up to the apex Court. The approach taken by the trial Court while dismissing the second application appears well reasoned and in consonance with the principles settled in judicial precedents.

9. In light of the above discussion and authoritative pronouncements, since no new circumstance justifying grant of indulgence to the applicants is made out, hence this pre-arrest bail application stands dismissed. The interim pre-arrest bail earlier granted to the applicants on 07.07.2025 is hereby recalled.

10. It is clarified that the observations made herein are tentative in nature and shall not prejudice the case of either party during the trial.

J U D G E