

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

Criminal Bail Application No.S-232 of 2025

Applicants: (i). M.Saleem s/o Rasheed Ahmed,
(ii). Asghar Ali s/o Bashir Ahmed,
(iii). M. Ibrar s/o Intizar Hussain.
Through Mr. Asad Ali Mari, Advocate.

Respondent: The State through Mr. Neel Parkash,
Deputy Prosecutor General, Sindh.

Complainant: Akbar Ali (Present in person)
Through Mr. Malik Bux Mari.

Date of hearing: **25.09.2025**

Date of Order: **25.09.2025**

O R D E R.

AMJAD ALI SAHITO, J:- Through this bail application, the applicants/accused above named seek their post-arrest bail in Crime No.73 of 2024, under sections 506(ii), 337-A(i), 337-A(iii), 337-A(iv), 337-F(i), 337-F(v), 337-L(ii), 147, 148, 149, 504 PPC, registered at P.S Perumal, after their bail plea was declined by the learned courts below.

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

3. Per learned counsel, although the names of the applicants/accused appear in the FIR, no specific role has been assigned to any of them. The only injury mentioned therein falls under Section 337-A(iii), PPC, however, the said injury has not been attributed to any of the accused persons. He has further argued that the applicants/accused are in judicial custody, they are no more required for further investigation, and he prays for grant of bail.

4. Conversely, Mr. Malik Bux Mari, Advocate, has filed Vakalatnama on behalf of the complainant and has vehemently opposed the grant of bail to the applicants/accused. He has further contended that the earlier bail application of the accused persons was dismissed by this Court; hence, they are not entitled to the concession of bail.

5. Learned D.P.G Sindh also supported the contentions of the learned counsel for the complainant and vehemently opposed for grant of bail to the applicants/accused.

6. Heard and perused.

7. From a careful perusal of the record, it emerges that although the names of the applicants/accused are mentioned in the FIR, no specific role has been attributed to them regarding the infliction of injuries. The record further reflects that approximately ten persons are alleged to have attacked the complainant party; however, no particular injury has been ascribed to the applicants/accused. In such circumstances, the involvement of the applicants/accused in the commission of the alleged offence appears doubtful, and their case prima facie falls within the ambit of "further inquiry" as envisaged under Section 497(2), Cr.P.C. Furthermore, it remains to be determined at the trial, upon the recording of evidence, whether the applicants/accused shared any common intention or common object with the principal offenders. The applicants/accused are presently confined in judicial custody and are no longer required for further investigation.

8. As regards the plea raised by the learned counsel for the complainant that the pre-arrest bail of the applicants/accused was earlier dismissed by this Court, it is sufficient to observe that the considerations

for grant of pre-arrest bail and post-arrest bail are distinct and independent, and there exists no legal bar to the grant of post-arrest bail merely on the ground that pre-arrest bail was previously refused.

9. In view of the above the learned counsel for the applicants has made out a case for the grant of bail under Subsection (2) of Section 497, Cr.P.C. Post-arrest bail is granted to the applicants/accused, subject to their furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) each, to the satisfaction of the learned trial Court.

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 on merits.

JUDGE

Adnan Ashraf Nizamani