

## IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S-213 of 2025

Applicant : Imtiaz Ahmed son of Wahid Bux, Ujjan  
Through Mr. Allah Wassayo Ujjan Advocate

Complainant : Mst. Nazeeran w/o Muhammad Din, Ujjan  
Through Mr. Imtiaz Ali Maitlo, Advocate

The State : Through Mr. Khalil Ahmed Maitlo, DPG

Date of Hearing : 29.09.2025  
Date of Decision : 29.09.2025

### **ORDER**

**KHALID HUSSAIN SHAHANI, J.—** Applicant Imtiaz Ahmed seeks pre-arrest bail in a case bearing crime No.16/2025, for offences under sections 506/2, 337A(i), 337F(i), 337-F(v), 147, 148, 149, and 504 PPC, registered at Police Station Tando Masti Khan,. It is noteworthy that the Court of learned IIIrd Additional Sessions Judge, Khairpur, declined the applicant's bail vide order dated 14.02.2025.

2. The prosecution case, as alleged by the complainant Mst. Nazeeran, is that on 2<sup>nd</sup> December 2024, while she, her husband Muhammad Din, and others were in their house, the accused along with others unlawfully entered the premises and commenced an assault. The applicant allegedly caused a butt blow of a pistol on Muhammad Din's left hand finger, resulting in injury classified medically as *Jurh Ghayr-Jaifah Hashimah*. The incident is said to arise from a dispute concerning obstruction of water flow through the drainage pipe.

3. The learned counsel for the applicant vehemently contends that the applicant has been falsely implicated. He highlights the significant delay in lodging the FIR, though the complainant obtained the court's permission to register the FIR on 11.12.2024, yet same was only lodged on 30.01.2025 without explanation for the delay. Further, the applicant's brother-in-law lodged a counter FIR bearing No.23/2025 against close relatives of the

complainant, indicating a rival version of events. The final medical report categorizes the injury as punishable with imprisonment up to five years, thereby excluding applicability of the prohibitory clause of Section 497 Cr.P.C. Additionally, after investigation, the applicant was placed in column No.II of the final report under section 173 Cr.P.C, yet the learned Magistrate proceeded to take cognizance, indicating a need for further inquiry.

4. Conversely, the learned Deputy Prosecutor General and counsel for the complainant oppose the bail application arguing the applicant's explicit role in the offence, supported by case laws including *PLD 1990 SC 83*, *1966 SC 589*, *2005 SCMR 1402*, *1992 SCMR 501*, *2013 YLR 2036*, which, they submit, disentitles the applicant from bail.

5. Having heard the learned counsel and scrutinized the record, it *prima facie* appears that the offence alleged against the applicant is non-prohibitory in nature, given the medical classification of injuries. The unexplained delay in lodging the FIR diminishes the prosecution's case strength at this stage. Moreover, the existence of a counter FIR discloses a disputed factual background necessitating a thorough trial to determine the true aggressor. Co-accused Irshad is already on pre-arrest bail granted in order impugned; therefore, applicant also deserves same concession. The applicant's placement in column-II of the final report, further underscores that the case against him is one requiring more detailed inquiry rather than immediate adverse action.

6. In view of these nuanced considerations and in the interest of justice, the interim pre-arrest bail granted to the applicant on 12.03.2025 is hereby confirmed on the same terms and conditions until conclusion of the trial.

**J U D G E**