

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

Crl. Bail Application No.S-284 of 2025

Applicant: Muhammad Siddique S/o Ayoub,
Through Mr. Sikandar Ali Kolachi, Advocate.

Respondent: The State.
Through Mr. Neel Parkash, D.P.G.

Complainant: Anwar S/o Muhammad Yousuf,
Through Mr. Chaudhry Shahzad, Advocate.

Date of hearing: 04.11.2025

Date of Order: 04.11.2025

O R D E R

Shamsuddin Abbasi, J: Through this Bail Application, the applicant/accused seeks pre-arrest bail in Crime No.64/2025 for offence under sections 324, 337-A(i), 337-F(i), 337-H(ii), 504 and 34 P.P.C of PS Digri, after his bail plea has been declined by the learned Additional Sessions Judge-I, Mirpurkhas, vide order dated 16.07.2025.

2. It is alleged in the F.I.R that the applicant alongwith co-accused came at the place of incident and they caused fire arm injuries to the injured/complainant Anwar on his right and left thigh.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case; that there is no repetition on the part of the applicant; that the alleged offence does not fall within the prohibitory clause of Section 497 Cr.P.C.; that there is no motive against the applicant and that sufficient material is available on record which makes out a case for grant of bail. Lastly, he prays for confirmation of the bail.

4. On the other hand, learned D.P.G assisted by learned counsel for the complainant has vehemently opposed for grant of bail to the applicant/accused on the ground that the applicant is nominated in the F.I.R with specific role for causing fire arm injuries to the injured; that the ocular version is corroborated by the medical evidence; and

that the provisions of Section 324 P.P.C are attracted in the present case, which brings the case of the applicant within the prohibitory clause of Section 497 Cr.P.C. Investigation Officer is present in court and submits that the applicant has not joined the investigation.

5. Heard learned counsel for the applicant, learned counsel for the complainant and learned D.P.G for the State and perused the record.

6. From the tentative assessment of material available on record, it appears that the applicant is nominated in the F.I.R with specific role of causing fire arm injuries to the injured on his thigh. The ocular version is corroborated by the medical evidence and PWs have supported the case of the prosecution during investigation. The provisions of Section 324 P.P.C are attracted in the present case which makes out the case of the applicant within the ambit of prohibitory clause of Section 497 Cr.P.C.

7. At this bail stage, only a tentative assessment is to be made for the grant of bail. Sufficient material is available to connect the applicant/accused with the commission of offence and no mala fide or ill-will has been attributed to the complainant by the applicant. In this regard, I am fortified with the case law of Hon'ble Supreme Court of Pakistan **[2019 SCMR 1129]** wherein the Hon'ble Supreme Court of Pakistan has held as under:

"Grant of pre-arrest bail is an extra ordinary remedy in criminal jurisdiction; it is diversion of usual course of law, arrest in cognizable cases; a protection to the innocent being hounded on trump up charges through abuse of process of law, therefore a petitioner 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 investigation..... the principles of judicial protection are being faithfully adhered to till date, therefore, grant of pre-arrest bail essentially requires considerations of malafide, ulterior motive or abuse of process of law."

8. In view of the above, the applicant has failed to make out a case for the confirmation of pre-arrest bail within the contemplation of

subsection (2) of Section 497, Cr.P.C. Consequently, the instant bail application filed by the applicant/accused stands **dismissed**. I.O is present in court and is allowed to take him into custody for investigation and produce him before the concerned Magistrate in accordance with law. The interim pre-arrest bail already granted to the applicant vide order dated **20.10.2025** is hereby **recalled**.

9. The observations made in this decision are of a tentative nature and will not influence the merits of the case.

JUDGE

****Faisal****