

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA**

*Criminal Miscellaneous Application No.S-410 of 2025*  
( Mst. Rani Sodhar Vs. Madad Sodhar and others )

DATE	ORDER WITH SIGNATURE OF JUDGE
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- 01. For orders on M.A.No.5243/2025.
- 02. For orders on office objection.
- 03. For orders on M.A.No.5244/2025.
- 04. For hearing of main case.

**14.11.2025**

M/S. Farhat Ali Bugti & Maqood Ahmed Khoso, Advocates for the applicant.

**ORDER**

**Ali Haider 'Ada'.J:-** Through the instant application under Section 497(5), Cr.P.C., the applicant, being the complainant, has challenged the order dated 23.09.2025, whereby respondents No.1 to 4 were granted pre-arrest bail by the learned Additional Sessions Judge-II, Mehar. Following the grant of bail, the complainant filed an application under Section 497(5), Cr.P.C. before the same Court, which, vide order dated 10.10.2025, was dismissed by the learned Additional Sessions Judge-II, Mehar. Being aggrieved by this order, the complainant has approached this Court by filing the present application.

2. Briefly, the complainant registered FIR for offences punishable under Sections 452, 147, 148, 149, 337-A(i) & 504, PPC, reported on 07.09.2025, while the alleged incident is stated to have occurred on 02.09.2025. According to the prosecution case, the respondents/accused, along with two unknown persons armed with sticks and pistols and lathis forcibly entered the house and caused injuries to the complainant's family, including one baby, Fatima, who sustained injuries to her right hand, and the complainant's brother, Juman. The medical officer opined that the injuries fall under *Jurh Ghayr Jaifah Munaqilah*, falling within the ambit of Sections 337-F(vi) and 337-A(i), PPC.

3. Learned counsel for the applicant contends that the trial Court did not give due consideration to the tentative assessment of injuries and passed the order on the basis of deeper appreciation rather than prima facie evaluation. He submits that the offences, particularly under Section 337-F(vi) PPC, attract imprisonment up to seven years, and one of the injured victims is a minor of eight years. Further, he argues that the trial Court overlooked the threats faced

by the complainant's party and erroneously concluded that the FIR lacked any reference to withdrawal. He submits that such reasoning misreads the facts, as the complainant approached the authorities under threat and it is untenable to suggest that she could have reported the threats prior to lodging the FIR. In light of these circumstances, the counsel prays for cancellation of bail granted to respondents No.1 to 4.

4. Arguments heard and the record as well as material on file has been duly perused.

5. First and foremost, it is noted that there is a delay in the registration of the FIR. The explanation offered by the complainant is that due to the medical treatment of the baby, they did not approach the authorities immediately. However, this explanation does not appear to be convincing, particularly when it is alleged that the complainant approached the police on the very first day. Reliance in this regard is placed upon the case of **Jamaluddin and another v. The State (2023 SCMR 1243)** and **Mazhar Ali v. The State (2025 SCMR 318)**.

6. Further, it is observed that none of the offences fall under the prohibitory clause, and even in respect of Section 337-F(vi) PPC, while the same relates to injuries classified as *Munaqilah* by fracturing or dislocating a bone, a perusal of the medical certificate reveals that there is no mention of any dislocation or fracture. The medical report merely notes the injury in a single line, without any detailed reasoning or analysis. Such matters, including the precise nature and severity of the injuries, are to be properly examined and determined at the time of trial. The Honourable Apex Court in the case of **Muhammad Tanveer v. The State and another (PLD 2017 Supreme Court 733)**, held that

*13. Once this Court has held in categorical terms that grant of bail in offences not falling within the prohibitory limb of section 497, Cr.P.C. shall be a rule and refusal shall be an exception then, the Courts of the country should follow this principle in its letter and spirit because principles of law enunciated by this Court are constitutionally binding on all Courts throughout the country including the Special Tribunals and Special Courts.*

7. Furthermore, the grounds raised by the counsel for the applicant/complainant alleging that they were under threats to withdraw the case require scrutiny. It is well recognized that such claims, if genuine, are ordinarily reported to the appropriate state functionary or competent forum for protection or for taking action. In the present case, no such steps were taken, and

the record is silent in this regard. Therefore, at this stage, it cannot be accepted that the alleged threats carry sufficient weight to interfere with the bail order. It is also noted that the trial Court, while granting bail, observed that one of the complainant's brothers, namely Rajab, was involved in FIR No. 42/2024 for an offence under Section 376 PPC. The learned counsel for the applicant contended that there is no relevance of that FIR to the present case; however, he failed to produce or annex a copy of FIR No. 42/2024 to substantiate this claim. Consequently, the trial Court's reference to FIR No. 42/2024 cannot be disbelieved solely based on verbal assertions. The mere assertion of irrelevance, without supporting material, does not justify cancellation of the bail granted to the respondents.

8. It is well-settled that a Court may interfere with an order granting bail only on two grounds:(i) when the impugned order is perverse on the face of it, or (ii) when the impugned order has been made in clear disregard of settled principles of law regarding bail. The Courts, at the bail stage, are not expected to engage in a deeper appreciation of evidence; rather, they are to determine tentatively, based on the material on record, whether there exist any reasonable grounds for believing that the accused is guilty of the alleged offence. In the present case, none of the recognized grounds for cancellation of bail are made out. Reliance is placed upon the case of **Rab Nawaz vs Shehzad Hassan and others, 2025 SCMR 1357**.

9. Keeping in view the facts and circumstances of the case, this Criminal Miscellaneous Application is dismissed in *limine*, as there is no justification to interfere with the impugned orders annexed with the application.

**JUDGE**

