

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

*Criminal Bail Application No. S- 563 of 2025.  
(Bahadur Kehar Vs. The State )*

Applicant: Bahadur Kehar S/o Shahmore, by caste Kehar,  
through M/s. Safdar Ali G. Bhutto and Mushtaque  
Ali Langah, Advocates.

The State: *Through, Mr. Nazeer Ahmed Bhangwar, Deputy  
Prosecutor General,*

Date of hearing: 06.11.2025.

Date of Order: 06.11.2025.

**ORDER**

**Ali Haider 'Ada', J:-** Through this application, the applicant seeks post-arrest bail in Crime No. 29 of 2025, registered on 22.09.2025 at Police Station Mian-Jo-Goth, District Shikarpur, for offences punishable under sections 324, 337-F(iii), 148, 149, 114, 504, and 337-H(2), P.P.C. The record reflects that the applicant initially approached the trial Court for the grant of pre-arrest bail, but his plea was declined. Subsequently, he was arrested in the present case and thereafter moved a post-arrest bail application before the learned Additional Sessions Judge-V, Shikarpur, which was dismissed vide order dated 02.10.2025. The applicant has now approached this court seeking the concession of post-arrest bail.

2. According to the prosecution, the applicant/accused, along with his co-accused, while armed with TT pistols, caused a firearm injury to the complainant Mujahid, which struck the calf of his right leg. The incident was initially reported through an application to the Justice of Peace, and subsequently, the FIR was lodged on 22.09.2025, whereas the date of the alleged incident is mentioned as 12.08.2025.

3. Learned counsel for the applicant submits that there is an unexplained delay in the registration of the FIR. If the same is reckoned from the date of the incident, the delay amounts to one month and ten days. Even if calculated from the date of the decision of the Justice of Peace, there remains an unexplained delay of twenty-four days. Such a delay, according to the learned counsel, casts serious doubt upon the veracity of the prosecution case, as it gives rise to the possibility of afterthoughts. He further submits that the injury sustained by the complainant has been challenged before the Special Medical

Board and that the findings of the said Board are still awaited. Even otherwise, the injury, as determined by the Medical Officer, falls under Section 337-F(iii), P.P.C. (*Jurh Ghayr Jaifah Mutalihima*). It is further argued that there was no repetition of fire, and though nine persons were allegedly involved in the assault, only one injury was caused, which further weakens the prosecution version. Hence, the applicant prays for the grant of bail.

4. Record reflects that the complainant Mujahid appeared before the Court and sought time to engage counsel, which was allowed. Subsequently, after engaging counsel, further time was again sought for preparation, which too was granted, and the matter was adjourned to the present date. However, today neither the complainant nor his counsel is in attendance, though the matter was adjourned in the presence of counsel. This conduct reflects that the complainant is deliberately avoiding the proceedings to delay the hearing of the bail application, while the applicant continues to remain in custody.

5. Conversely, learned Deputy Prosecutor General contends that a prima facie case stands established against the applicant in view of the medical evidence, and that a specific role has been assigned to him. Therefore, he is not entitled to the concession of bail. As regards the injury under Section 337-F(iii), P.P.C., it is conceded that the same is not of a serious nature; however, the offence under Section 324, P.P.C., is clearly attracted, which falls within the prohibitory clause of Section 497, Cr.P.C. Hence, the applicant is not entitled to the relief sought.

6. Heard the learned counsel for the parties and examined the material available on record.

7. First and foremost, the record reflects that the complainant approached the police on the very day of the incident, i.e., 12.08.2025, and succeeded in obtaining a letter for medical treatment. However, it is a surprising aspect of the case that he did not nominate the present applicant at that stage when he initially approached the police for the issuance of the medical letter. Furthermore, it has been established that on 26.08.2025, his application under Sections 22-A and 22-B, Cr.P.C., was allowed with the direction that his statement be recorded. Despite such an order, he did not promptly approach the police station to lodge the report or provide his statement. This conduct creates serious doubt regarding the prosecution version and establishes the

possibility of afterthoughts, indicating that false implication of the applicant cannot be ruled out. Reliance is placed upon the recent judgment of the Honourable Supreme Court reported as **2025 SCMR 318 (Mazhar Ali v. The State)**.

8. According to the opinion of the Medical Officer, the injury sustained by the complainant falls under the category of *Jurh Ghayr Jaifah Mutalahimah*, as defined under Section 337-F(iii), P.P.C. For ready reference, the relevant section are reproduced hereunder:

*Mutalahimah; by lacerating the flesh, is said to cause mutalahimah; 337 F(iii) mutalahimah to any person, shall be liable to daman and may also be punished with imprisonment of either description for a term which may extend to three years as ta'zir;*

9. According to the medical opinion, the injury sustained by the complainant does not indicate any fracture of the bone. As per the ocular account, the injury was caused below the knee, whereas the Medical Officer opined that it was inflicted on the calf region. The exact location of the injury, therefore, carries significance. As per *B.D. Chaurasia's Human Anatomy, Volume II, Ninth Edition, Chapter 9*, the area below the knee includes the medial malleolus, tibia, thin fibula, and lateral malleolus, forming the tibiofibular mortise. The articular facet of the lateral malleolus (the bony prominence on the lower fibula) constitutes the lateral border of the ankle joint, while the articular facet of the medial malleolus (the bony prominence on the lower tibia) forms the medial border of the joint. In light of these anatomical considerations, the medical certificate appears to be inconsistent with the ocular version of the incident. Such discrepancies can only be properly evaluated at the time of trial during the examination of the Medical Officer and the injured witness. Moreover, it is pertinent to note that the medical certificate has already been challenged and the matter is presently pending before the Special Medical Board for re-examination and determination.

10. So far as Section 337-F(iii), P.P.C. is concerned, the same does not fall within the prohibitory clause of Section 497, Cr.P.C. Moreover, the Honourable Supreme Court, in *Criminal Petition for Leave to Appeal No. 310 of 2025*, recently granted bail in a case under Section 337-F(vi), P.P.C., on the ground that the offence did not fall within the prohibitory clause. Further guidance can also be drawn from the dictum laid down in *PLD 2017 SC 733*,

wherein it has been held that the grant of bail is a rule and refusal is an exception. In the present case, no exceptional circumstances have been shown that would justify the denial of bail, particularly when the medical evidence appears to be inconsistent with the ocular account and there is also a considerable delay in the registration of the FIR. Furthermore, the element of enmity is apparent from the bare reading of the FIR.

11. In view of the above circumstances, the applicant has made out a case for the grant of post-arrest bail. Accordingly, the applicant is admitted to bail subject to his furnishing solvent surety in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** and a personal bond in the like amount to the satisfaction of the learned trial Court. Needless to mention, the observations made hereinabove are purely tentative in nature and shall not prejudice or influence the learned trial Court, which shall decide the case strictly on its own merits in accordance with the evidence brought on record during the trial.

*JUDGE*