

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail Appln. No. S-640 of 2025

Applicant : Muhammad Yaseen S/o Shafi Muhammad, Suhag
Through Mr. Nazir Ahmed Junejo, Advocate

Complainant : Altaf Hussain S/o Muhammad Iqbal, Mangi
Through Mr. Ghulam Mustafa Jakhar, Advocate

The State : *Through Mr. Muhammad Raza Katohar, DPG*

Date of hearing : 09.02.2026
Date of order : 23.02.2026

ORDER

KHALID HUSSAIN SHAHANI, J.— The applicant Muhammad Yaseen, seeks post-arrest bail in a case bearing Crime No.80 of 2024, for offences under sections 324, 382, 506(II), 337-A(i), 337-A(ii), 337-F(iii), 337-H(ii), 147, 148 and 149 P.P.C, registered at Police Station Pir Jo Goth, District Khairpur. His earlier bids for the same relief were declined by the learned IIIrd Additional Sessions Judge, Khairpur, vide orders dated 02.11.2024 and 03.07.2025.

2. The prosecution case, as set out in the F.I.R, is that on 03.06.2024 at about 12:00 noon, the applicant along with several named co-accused and five unknown persons, allegedly armed with firearms and blunt weapons, formed an unlawful assembly and came to the complainant party's agricultural land in Deh Manghanwari, Village Muhammad Saleh Khaskheli, within the remits of P.S. Pir Jo Goth. It is alleged that, owing to a subsisting dispute over landed property, they restrained the complainant party while mangoes were being plucked, asserted a rival claim, and upon an altercation opened fire allegedly with intent to commit qatl-i-amd. The applicant is attributed the specific role of firing with a repeater causing injuries to Abdul Ghaffar (right elbow, left side of abdomen/chest and right thigh) and to Tanveer Hussain (left arm, right leg and knee), whereas the remaining

accused are alleged to have fired and inflicted lathi/iron-rod blows upon other members of the complainant party; it is further alleged that a CD-70 motorcycle was snatched and threats were extended, followed by the accused fleeing upon the arrival of villagers. The injured were shifted to Government Hospital Pir Jo Goth and referred to Civil Hospital Khairpur, and the F.I.R came to be lodged on 11.06.2024.

3. Learned counsel for the applicant contends that the applicant has been maliciously implicated on account of entrenched enmity arising from the land dispute. It is argued that the ocular account is rooted in interested testimony of related witnesses; no independent witness has been associated despite the alleged occurrence in an open setting. Emphasis is also placed upon an eight-day delay in the lodging of the F.I.R, contended to be unexplained, thereby rendering the prosecution version vulnerable to consultation and embellishment. It is further urged that the applicant has remained incarcerated for over a year, charge is yet to be framed, and the injuries attributed to him (per the medico-legal record) do not, prima facie, attract the prohibitory clause of section 497 Cr.P.C, hence the case is one of further inquiry.

4. Learned DPG, assisted by learned counsel for the complainant, opposes the application. It is submitted that the applicant is specifically nominated with a definite and individualized role of firing upon two injured persons, and that ocular account stands reinforced by medical evidence. The occurrence, according to the prosecution, was in broad daylight and the accused were identifiable; the land dispute is pressed as strengthening motive rather than creating doubt. It is further urged that the applicant's case is distinguishable from co-accused who have secured bail. Reliance is also placed on the alleged recovery of a repeater from the applicant and a forensic opinion (Fire-Arms Expert, Forensic Division Larkano) connecting a crime

empty marked "C1" with the recovered weapon, which, according to the prosecution, supplies corroborative linkage disentitling the applicant to bail.

5. I have considered the submissions and perused the material placed. A tentative examination of the medico-legal record, read with the role attributed in the F.I.R, shows that the injuries ascribed to the applicant have been classified as *Ghayr-i-Jaifah Mutalahimah* falling under section 337-F(iii) P.P.C. The injuries, though attributed to firearm/blunt means, are not declared life-endangering, nor are they shown as *Jaifah*; additionally, the seat of injuries, as reflected, is not such which, at this stage, unmistakably indicates a lethal assault. This aspect without expressing anything on merits renders the allegation of requisite *mens rea* for section 324 P.P.C debatable and thus calls for deeper scrutiny at trial. The applicant has already undergone incarceration for over one year, charge is yet to be framed, and co-accused similarly implicated in the occurrence stand admitted to bail, thereby bringing into play the principle of consistency, subject to the usual caveat that comparability of roles and surrounding circumstances must be tentatively assessed from the available material. In these circumstances, the exact nature of the applicant's participation, the existence of requisite *mens rea*, and the veracity of the prosecution narrative are matters best left to be adjudicated upon after recording of evidence by the trial Court.

6. Without embarking upon a roving inquiry, and mindful that only a tentative assessment is permissible at this juncture, the cumulative effect of the following circumstances brings the case within the purview of "further inquiry" contemplated by section 497(2) CrP.C: (i) the F.I.R. was lodged after an unexplained gap of about eight days, which detracts from spontaneity and creates room for deliberation; (ii) the admitted land dispute constitutes a double-edged circumstance capable of supplying motive, yet equally capable of spawning false implication thereby making culpability

arguable; (iii) the nature/classification and seat of injuries do not, prima facie, bring the matter squarely within the prohibitory clause; (iv) the ocular account emanates from related/associated witnesses and the absence of any neutral witness, despite the alleged open-place occurrence, warrants circumspection at the bail stage; (v) multiple accused with differentiated roles are involved and some have already been admitted to bail, making the question of individual participation and common object a matter for evidence; and (vi) there is no material, at this stage, demonstrating likelihood of abscondence, tampering with evidence, or misuse of concession.

7. The Supreme Court has consistently held that, where injuries are on non-vital parts and the question of intention and applicability of section 324, P.P.C. remains arguable, the matter ordinarily falls within the domain of further inquiry, to be determined by the trial Court after recording evidence. *In Jamaluddin & another v. The State* (2023 SCMR 1243), the Honourable Supreme Court held that where the injuries are on non-vital parts of the body, and the accused did not repeat fire despite having opportunity, the question of applicability of Section 324, PPC is to be determined by the trial Court after recording of evidence, and such cases would ordinarily fall within the purview of further inquiry for the purposes of bail. Similar principles regarding the grant of bail on grounds of further inquiry and the non-automatic application of the prohibitory clause, even in serious offences, have been reiterated in *Khalil Ahmed Soomro & others v. The State* (PLD 2017 SC 730) and *Wajid Ali v. The State & another* (2017 SCMR 116), wherein the Apex Court underscored that the quality of the incriminatory material, the nature and seat of injuries, and surrounding circumstances must be tentatively evaluated rather than treating the mere label of the offence as determinative. The same line of reasoning permeates the judgments reported as *Wahid Khan*

& another v. The State (2025 MLD 938) and *Syed Zaman Shah & others v. The State* (2021 MLD 2106), where it has been held that when injuries do not squarely attract the prohibitory clause in cases of alleged qatl-i-amd, the accused are ordinarily entitled to bail on the touchstone of further inquiry.

8. In view of the foregoing, and without touching the merits of the case, this Criminal Bail Application is allowed. The applicant Muhammad Yaseen is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs. 200,000/- (Rupees Two Hundred Thousand only) and a P.R. bond in the like amount to the satisfaction of the trial Court. The applicant shall regularly attend trial proceedings and shall not misuse the concession of bail; any breach shall entail consequences in accordance with law.
9. The observations herein are purely tentative and shall not prejudice either party at trial, which shall proceed strictly on the basis of evidence.

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