

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS
CrI. Bail Application No.S-387 of 2025

Applicants: 1. Dhani Bux s/o Haji Khan.
2. Nadir Ali s/o Haji Khan
Through Mr. Afzal Kareem Virk, Advocate.

Respondent: The State.
Through Mr. Ghulam Abbas Dalwani, D.P.G.

Complainant: Ali Hassan s/o Muhammad Usman
Through Mr. Dilawar Hussain Panhwer, Advocate.

Date of hearing: 04.03.2026

Date of Order: 04.03.2026

ORDER

Miran Muhammad Shah, J: Through this Order, I intend to dispose of above-mentioned bail application, whereby the applicants/ accused seek pre-arrest bail in F.I.R No.70/ 2025 for offence punishable under sections 324, 148, 337-F(i), 504, 114, 147, 149, 337-F(i), 337-H(i) PPC of PS Naukot, after rejection of their bail plea by the learned Additional Sessions Judge-I, Mirpurkhas, vide Order dated 05-12-2025.

2. The details and particulars of the F.I.R are already available in bail application and the F.I.R, as such, need not to reproduce the same hereunder.

3. Learned counsel for the applicants contends that the applicants are innocent and they have been falsely implicated in this case due to old enmity; that infact complainant party caused serious injuries to the accused party and such application under section 22-A and B Cr.P.C was allowed by learned Ex-Officio Justice of Peace but police is avoiding to register the FIR of the applicants' party; that the FIR is delayed for about five days without any plausible explanation; that police has abducted/ illegally detained the family members of the accused party and for their release application under section 491 Cr.P.C was filed but before conducting raid by the learned Magistrate, police has shifted them and then complainant lodged instant F.I.R; that co-accused Haji Khan has already been granted bail by the learned trial Court. Lastly he prayed for the confirmation of bail to the applicants. In

support of his contentions, he has relied upon case law i.e. 2025 S C M R 1457.

4. Learned counsel for the complainant has vehemently opposed for the confirmation of bail to the applicants while arguing that applicants are nominated in the F.I.R with specific role; that accused party attacked upon the complainant party and caused injuries to four persons; that alleged offence falls under the prohibitory clause of section 497 Cr.P.C; that false application u/s 22-A and B Cr.P.C was filed by the accused party in order to make a counter case. Lastly he prayed for the dismissal of instant bail application.

5. Learned D.P.G has also opposed instant bail application while adopting the arguments of learned counsel for the complainant. However, he frankly submitted that the injuries, as per M.L.Cs of the injured, are bailable in nature.

5. I have heard learned counsel for the applicants/ accused, learned counsel for the complainant and learned D.P.G so also perused the material available on record; it seems that alleged incident took place due to old enmity and a mob, comprising of about 07 persons, attacked the complainant party and injured four persons; however, none of them received any major injury and all sections applied, as per M.L.Cs, are bailable. The role of the present applicants/ accused is similar to that of co-accused Haji Khan, who has already been granted bail by the learned trial Court. One of the applicant namely Dhani Bux though was carrying Kilashankov at the time of alleged incident but no injury has been attributed to him in the F.I.R, whereas applicant Nadir Ali has been shown having hatchet but he has not been attributed any specific role. Learned counsel for the applicants has stated that police is not recording the counter version of the accused party and for the malafide reason is continuously harassing the applicants' party and had earlier abducted/illegally detained the family members of the applicants' party, and for their release application under section 491 Cr.P.C was filed. It is a case of counter version where police till today has been inimical towards the accused party and is not taking up their version of story despite their application under section 22-A and B Cr.P.C was allowed and order for

recording statement of applicant/ accused Nadir Ali (who was applicant in that application) has been made by learned Ex-Officio Justice of Peace. Even in cases of counter version it is laid down by the Honourable Supreme Court of Pakistan that bail is to be granted as a rule of further inquiry for the reason that the question as to which version is correct is to be decided after recording of pro and contra evidence during trial. In this view, I placed reliance on case law i.e. 2025 S C M R 1457.

6. In above circumstances, I hereby confirm the interim pre arrest bail already granted to the applicants/ accused vide Order dated 08-12-2025 on the same terms and conditions.

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

The instant bail application is disposed of accordingly.

JUDGE

Saleem