

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail Appln. No. S-1041 of 2025

Applicant : Ghulam Nabi S/o Shahzado, by caste Ansari,
Through Mr. Arif Ali Abbasi, Advocate

Complainant : Ali Gohar S/o Rano, by caste Ansari,
Through Mr. Ajeebullah Junejo, Advocate

The State : Through Mr. Mansoor Ahmed Shaikh, DPG

Date of hearing : 05.03.2026
Date of order : 05.03.2026

ORDER

KHALID HUSSAIN SHAHANI, J.— Applicant Ghulam Nabi, seeks pre-arrest bail in a case bearing Crime No.97 of 2025, for offences under Sections 324, 337-A(i), 337-F(i), 452, 506/2, 114, 504, 147, 148 and 149, P.P.C, registered at Police Station Sangi, District Sukkur, his earlier request having been declined by the learned Additional Sessions Judge, Pano Aqil, vide order dated 18.10.2025.

2. As per the prosecution narrative encapsulated in F.I.R. No. 97 of 2025, on 03.10.2025 at about 11:00 a.m the complainant Ali Gohar Ansari, along with his father Rano, his maternal aunt Mst. Moledini and other family members, was present at his residential premises situated in Village Nirch, Taluka Pano Aqil, when, allegedly on account of a subsisting agrarian dispute between the parties, the accused persons, namely Ghulam Nabi armed with a hatchet, Waheed armed with a lathi, Naveed armed with a pistol, Asad armed with a lathi and Shahzado empty-handed, all by caste Ansari and residents of the same village, trespassed into the house of the complainant. It is alleged that accused Shahzado, after resorting to vituperative language, exhorted his co-accused to teach a lesson to the complainant party, whereupon the present applicant is alleged to have delivered a hatchet blow on the head of Rano, father of the complainant, purportedly with the intention to commit his murder; co-accused Waheed and Asad allegedly administered lathi blows on different

parts of the body of said injured Rano, and the applicant is further alleged to have struck the back side of the hatchet on the right elbow of Mst. Moledini, causing her to fall down. It is further alleged that accused Naveed pointed his pistol towards the complainant party and extended threats of dire consequences, and thereafter all the accused decamped while hurling abuses; the injured were initially shifted to Taluka Hospital Pano Aqil and were then referred to Civil Hospital Sukkur. Consequent upon; case was registered *inter alia* on the above facts.

3. Learned counsel for the applicant has argued that the applicant's nomination in the F.I.R is the product of a mala fide attempt to embroil him in a retaliatory criminal litigation arising out of an admitted landed dispute; that the ocular account rests exclusively upon related and interested witnesses belonging to the complainant's family; that there is an unexplained delay of about two days in setting the law in motion, which *ex facie* renders the prosecution version vulnerable to the charge of afterthought and embroidery; that although a hatchet blow has been attributed to the applicant, the medico-legal certificate reflects injuries which are not imminently life-endangering and, thus, the invocation of Section 324 P.P.C is, at the very least, highly arguable; that the co-accused, namely Shahzado, Ghulam Hussain @ Waheed and Ghulam Ali @ Naveed, have already been admitted to bail by the learned trial Court through the same impugned order, thereby attracting the rule of consistency in favor of the present applicant; and that the case is at the investigatory stage, while the applicant, being a resident of the locality with fixed abode, does not pose any risk of absconding or abusing the concession of bail.

4. Conversely, learned Deputy Prosecutor General, assisted by learned counsel for the complainant, has resisted the application on the ground that the applicant stands explicitly nominated with a specific and direct role of inflicting a hatchet blow on the head of injured Rano, which injury finds *prima*

facie corroboration from the medical certificate issued by the Medical Officer. It is contended that the nature, seat and weapon of the alleged injury collectively denote a deliberate assault with the intention to cause death, thereby legitimately attracting Section 324 P.P.C, which falls within the prohibitory clause, and that the applicant, along with his co-accused, acted in concert and in furtherance of a common object, after having forcibly entered the residential house of the complainant and assaulting the inmates; thus, according to the learned law officer and learned counsel for the complainant, the applicant is not entitled to the equitable and extraordinary relief of pre-arrest bail.

5. I have heard the learned counsel for the parties and have perused the available material with the degree of circumspection appropriate at the bail stage. On a tentative appraisal of the medico-legal record, it emerges that, notwithstanding the attribution of a hatchet blow on the head of injured Rano to the present applicant, the injuries have been opined as falling under Sections 337-A(i) and 337-F(i), P.P.C, both of which prescribe bailable offences. The injuries, at this preliminary stage, do not appear to be of such a nature as to be per se imminently life-threatening, nor do they incontrovertibly manifest, at this stage, a crystallized intention to commit qatl-i-amd. This renders the application of Section 324 P.P.C, a moot and arguable question, better left to be conclusively determined by the trial Court upon recording of evidence.

6. Without embarking upon a roving or deeper appreciation of evidence, which is neither warranted nor permissible at this interlocutory stage, the cumulative effect of the following features of the case unmistakably brings the matter within the ambit of “further inquiry” as envisaged by Section 497(2) Cr.P.C: (i) the presence of an admitted landed dispute between the parties, which, while supplying a conceivable motive, simultaneously furnishes a potential ground for false implication; (ii) a delay of about two days in lodging the F.I.R, which *prima facie* affords sufficient room for deliberation and consultation; (iii) the medical classification of the injuries under bailable

provisions, rendering the applicability of Section 324 P.P.C debatable; (iv) the fact that the alleged occurrence took place within the complainant's house and the ocular account is primarily furnished by related witnesses whose credibility, impartiality and probative weight are matters reserved for the trial; and (v) the grant of bail to co-accused, who are attributed broadly similar roles through the same impugned order, thereby attracting, in the absence of any distinguishing feature, the principle of consistency, subject of course to final adjudication at trial.

7. The august Supreme Court has consistently propounded that where the injuries are on non-vital parts of the body and the question of intention, vis-à-vis the invocation of Section 324 P.P.C, remains arguable on the available record, the case ordinarily falls within the purview of "further inquiry" for the limited purpose of bail, to be finally decided by the trial Court after the complete evidentiary spectrum is placed before it. Reference, *inter alia*, may be made to the dictum laid down in *Jamaluddin & another v. The State* (2023 SCMR 1243), wherein it was held that in such circumstances, the true applicability of Section 324 P.P.C is to be determined after recording of evidence, and that, at the bail stage, the benefit of doubt in such arguability would ordinarily enure to the accused. Likewise, in *Khalil Ahmed Soomro & others v. The State* (PLD 2017 SC 730) and *Wajid Ali v. The State & another* (2017 SCMR 116), the Apex Court reiterated that the mere nomenclature of the offence or its placement within the prohibitory clause is not by itself conclusive; instead, the Courts are obliged to tentatively evaluate the quality and nature of incriminatory material, the seat of injuries and the surrounding circumstances, and to extend the concession of bail where the case is clouded by doubt, falling within the spectrum of further inquiry. Similar jurisprudential strands permeate the reported judgments in *Wahid Khan & another v. The State* (2025 MLD 938) and *Syed Zaman Shah & others v. The State* (2021 MLD 2106), wherein it has been emphasized that where the injuries do not squarely attract the rigor of the

prohibitory clause even in allegations of qatl-i-amd, the accused is ordinarily entitled to bail on the touchstone of further inquiry.

8. In the backdrop of the above-noted legal position and on a holistic appraisal of the material so far collected, the role ostensibly assigned to the applicant, the nature and classification of the injuries, the underlying civil dispute between the parties and the admitted delay in the registration of the F.I.R. together engender sufficient doubt to warrant a deeper judicial probe at the trial. The extant material does not, at this stage, conclusively and unmistakably evince such a degree of culpable intent or malice on the part of the applicant as would, by itself, disentitle him to the equitable relief of pre-arrest bail, particularly when the case squarely appears to fall within the domain of further inquiry.

9. Resultantly, for the reasons recorded hereinabove, this Court is persuaded to hold that the applicant Ghulam Nabi son of Shahzado, caste Ansari, has succeeded in bringing his case within the purview of Section 497(2) Cr.P.C, and is thus entitled to the concession of pre-arrest bail. Accordingly, the interim pre-arrest bail earlier granted to him is hereby confirmed, on the same terms and conditions already imposed.

10. It is, however, explicitly observed that all the findings and observations made herein are purely tentative, confined to the disposal of the present bail application, and shall not prejudice, influence or fetter the learned trial Court in any manner in the ultimate adjudication of the case, which shall be made strictly on the basis of evidence adduced before it and in accordance with law.

J U D G E