

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail Appln. No. S-1072 of 2025

Applicant : Noor Ahmed alias Nooro S/o Nabi Bux, Bharo  
*Through Mr. Zulfiqar Ali Malano, 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.**— The applicant, Noor Ahmed alias Nooro, invokes the discretionary and equitable jurisdiction of this Court in terms of pre-arrest bail in respect of Crime No.94 of 2025, for offences under Sections 147, 148, 149, 114, 324, 337-A(i), 337-F(i) and 506/2, Pakistan Penal Code, 1860, registered at Police Station Cantt, District Sukkur. His earlier prayer for anticipatory relief was repelled by the learned Additional Sessions Judge, Pano Aqil, vide order dated 28.10.2025, while, through the very same order, interim protection extended to the co-accused was confirmed.

2. Succinctly stated, the prosecution narrative, as embodied in F.I.R. No.94 of 2025, is that on 02.09.2025 at about 07:00 a.m., the complainant, Rehmatullah, accompanied by his close relatives, namely Muhammad Ali, Badar, Naib, Abdul Lateef, Iltaf Zaheer and Muhammad Haneef, proceeded to their inherited land situated in Deh Berth, near Village Khanan Bharo, Taluka Pano Aqil. It is alleged that the accused party, including the present applicant, armed with an axe, and several co-accused, variously armed with guns, pistols, iron rods and lathis, were found cutting trees on the disputed parcel of land. Upon restraint by the complainant side, accused Rano is said to have exhorted his companions not to spare the complainant party, whereupon the present applicant

allegedly delivered a blow with an axe on the head of Muhammad Haneef with the ostensible intention to commit his qatl-i-amd, while the remaining accused purportedly wielded lathis and iron rods against different members of the complainant side, resulting in multiple injuries. It is further alleged that the accused extended threats of dire consequences and then decamped from the scene on cars and motorcycles. The injured were initially taken to Taluka Hospital, Pano Aqil and subsequently referred to Sukkur, and thereafter the complainant set the law in motion through the instant F.I.R.

3. Learned counsel for the applicant asserts that the applicant's nomination is a product of mala fide and embroiled in an admitted agrarian dispute between the parties concerning government land in Deh Berth, the present occurrence being a sequel to that dispute. It is urged that there is an inordinate and, *prima facie*, unexplained delay of thirty-one days in the lodgment of the F.I.R., which materially dents the intrinsic worth of the prosecution version at this tentative stage. He further contends that the occurrence is rooted in previous enmity and cross-litigation, including Crime Nos.77 of 2025 and 100 of 2025, registered at the same police station, and that the substratum of the case rests upon partisan and inter se related witnesses. Learned counsel submits that the case, on the cumulative canvas of facts, squarely attracts the doctrine of "further inquiry" within the purview of Section 497(2) Cr.P.C, and that the applicant is willing to associate himself with the investigation and undertakes not to misuse the concession of bail or evade the process of law.

4. Conversely, learned Deputy Prosecutor General has resisted the application on the premise that the applicant stands specifically named in the F.I.R. with an attributed, direct and singular role of inflicting an axe

blow on the head of injured Muhammad Haneef, which assertion, according to him, finds corroboration from the medico-legal certificate issued by the Medical Officer. He argues that the injury was caused on a vital part of the body with a sharp-edged, deadly weapon, thus *prima facie* invoking the mischief of Section 324 P.P.C, which falls within the prohibitory clause, and that, in such backdrop, the applicant is not deserving of the extraordinary relief of pre-arrest bail.

5. I have heard learned counsel for the parties and have perused the available material with the circumspection required at the bail stage. On a tentative appraisal, although the present applicant is ascribed the allegation of causing a hatchet blow on the head of injured Muhammad Haneef, the medico-legal certificate issued by the Medical Legal Officer reflects that the injuries sustained have been classified under Sections 337-A(i) and 337-F(i) P.P.C, both of which are, *ex facie*, bailable in nature. The situs and classification of the injuries, at this interlocutory stage, do not unequivocally suggest that they were imminently life-endangering nor do they conclusively manifest the presence of a definitive and settled intention to commit *qatl-i-amd*. In this setting, the invocation of Section 324 P.P.C becomes, at the very least, debatable and calls for a fuller and deeper evidentiary scrutiny at trial rather than being conclusively presumed at the bail stage.

6. Without embarking upon a meticulous dissection of the evidence, which is neither warranted nor permissible at this stage, the cumulative effect of the following salient features, viewed conjointly, brings the matter within the ambit of “further inquiry” as contemplated by Section 497(2) Cr.P.C: (i) there is an admitted and subsisting dispute between the parties regarding possession of government/ancestral land,

which, while furnishing motive, simultaneously raises a reasonable possibility of exaggeration and false implication in a polarized rural milieu; (ii) the F.I.R has been lodged after an inordinate delay of about one month from the alleged occurrence, creating *prima facie* room for deliberation, embroidery and consultations; (iii) the medical evidence, at this stage, categorizes the injuries under Sections 337-A(i) and 337-F(i), P.P.C., which are bailable, thereby rendering the application of Section 324, P.P.C. far from automatic and, instead, an arguable proposition to be resolved at trial; (iv) the ocular account is furnished exclusively by closely related witnesses of the complainant party, without association of any ostensibly independent witness from the locality despite the occurrence having allegedly taken place in a populated area, thus their credibility and impartiality will essentially be a matter for rigorous evaluation at the trial; and (v) the co-accused, standing on an apparently similar factual footing in the same F.I.R, have already been extended the concession of pre-arrest bail by the learned trial Court, thereby attracting, at least *prima facie*, the rule of consistency, subject always to the final outcome of the trial.

7. The august Supreme Court of Pakistan has, in a catena of pronouncements, underscored that where the nature, situs and classification of injuries do not, on the face of the record, irresistibly attract the rigors of the prohibitory clause and where the question of intention under Section 324 P.P.C remains arguable, such matters ordinarily fall within the province of “further inquiry” to be adjudicated by the trial Court after recording evidence. Reference, illustratively, may be made to *Jamaluddin and another v. The State* (2023 SCMR 1243), wherein it was held that where injuries are on non-vital parts, and fire is not repeated despite opportunity, the applicability of Section 324 P.P.C is

to be determined by the trial Court on the basis of evidence, and that at the bail stage such cases generally fall within the remit of further inquiry. Similar jurisprudential contours regarding the grant of bail on the foundation of further inquiry and the non-automatic application of the prohibitory clause, even in ostensibly grave offences, have been delineated in *Khalil Ahmed Soomro and others v. The State* (PLD 2017 SC 730) and *Wajid Ali v. The State and another* (2017 SCMR 116), wherein the Apex Court emphasized that the mere labelling of an offence under a prohibitory clause provision is not per se determinative; rather, the quality of the incriminatory material, the nature and seat of injuries, surrounding circumstances, and the overarching principles of safe administration of criminal justice must be given predominant consideration. The same line of reasoning permeates the reported judgments in *Wahid Khan and another v. The State* (2025 MLD 938) and *Syed Zaman Shah and others v. The State* (2021 MLD 2106), where it has been held that when the injuries do not squarely and unequivocally 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. Seen in the totality of the circumstances, the role attributed to the applicant, the medico-legal complexion of the injuries, the admitted background of land dispute and cross-cases between the parties, and the parity in treatment *vis-à-vis* co-accused who already stand admitted to pre-arrest bail, collectively impel the conclusion that the accusation against the applicant does not appear to be so unclouded and unimpeachable at this stage as to justify denial of equitable relief. The material presently available does not, in my considered view, fortify an unmistakable inference of a crystallized, deliberate intention on the part

of the applicant to commit *qatl-i-amd* that would, by itself, eclipse the otherwise available ground of further inquiry for the purpose of pre-arrest bail.

9. Resultantly, for the reasons adverted to hereinabove, this Court is of the considered opinion that the case of the applicant, Noor Ahmed alias Nooro, squarely falls within the ambit of “further inquiry” as envisaged by Section 497(2) Cr.P.C and he is, thus, entitled to the concession of pre-arrest bail in the peculiar facts and circumstances of the case. Consequently, the interim pre-arrest bail earlier granted to the applicant is hereby confirmed, on the same terms and conditions on which it was originally extended.

10. It is, however, expressly observed that any and all observations made herein are purely tentative, confined to the decision of the instant bail application, and shall not, in any manner or to any extent, prejudice, fetter or influence the learned trial Court in the ultimate adjudication of the case, which shall be undertaken strictly on its own merits and on the basis of evidence adduced before it.

**J U D G E**