

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

Criminal Bail Application No.S-238 of 2026

Applicant: Asghar Son of Sanwalo @ Papoo Mallah through
Mr. Muhammad Hassan Chang, Advocate.

Complainant: Aari Son of Uris through Mr. Mansoor Ali Jatoi,
Advocate.

Respondent: The State through Mr. Irfan Ali Talpur, D.P.G.

Date of hearing: 16.03.2026

Date of order: 16.03.2026

ORDER

Riazat Ali Sahar, J. Through this bail application filed under Section 497 of the Code of Criminal Procedure, the applicant, Asghar, seeks post-arrest bail in Crime No. 148 of 2024, registered at Police Station Tando Bago, for an offence punishable under Sections 337-F(vi), 337-L(ii), 504 and 34 of the Pakistan Penal Code. His earlier bail plea was rejected by the learned trial Court vide order dated 06.11.2025.

2. Taking the guidelines from the reported case of 'Muhammad Shakeel v. The State & others' (PLD 2014 Supreme Court 458), this bail application is being drafted in a shorter manner as the facts of the case are mentioned in the Bail Application and the copy of F.I.R attached therewith, hence, needs not to reproduce the same here.

3. Learned counsel for the applicant contended that FIR is delayed by one month and 15 days which is fatal to the prosecution case. He further argued that there is difference in between memo of injuries as well as final medical certificate. It is submitted that dispute over plot is admitted while the complainant has given contradictory version in his earlier statement and FIR; this all material makes the case of applicant one of further inquiry.

4. The learned D.P.G submits that applicant is nominated

by his name with specific role. He also submits that delay per se is no ground for grant of bail as at bail stage only tentative assessment is to be made, therefore, he does not entitled for any relief of bail.

5. It is noted that the specific role attributed to the applicant is that he was allegedly armed with a hatchet; however, he is stated to have used only the blunt side of the said weapon instead of its sharp edge. This circumstance clearly reflects that the applicant had no intention to cause any grievous or fatal injury to the complainant/victim, namely Aari. It is further noted that in view of the manner of alleged use of the weapon, the case of the applicant *prima facie* falls within the ambit of “further inquiry” as envisaged under Section 497(2) Cr.P.C. Moreover, the applicant has been behind bars for the last six months. The investigation has already been completed and challan has been submitted before the learned trial Court; therefore, the applicant is no more required for any further investigation. It appears that all the offences alleged against the applicant are bailable in nature except Section 337-F(vi) PPC, which does not fall within the prohibitory clause of Section 497 Cr.P.C.

6. In view of the foregoing, *prima facie*, the applicant succeeded in making out a case for **further inquiry**, as contemplated under **Sub-Section (2) of Section 497 of the Code of Criminal Procedure (Cr.P.C.)**. Consequently, the instant **Criminal Bail Application** was **allowed**, and the applicant was admitted to post-arrest bail vide short order dated 16.03.2026. These are the reasons for the same.

7. Before parting, it needs not to make clarification that the observations recorded above are tentative in nature, therefore, the trial Court shall not be influenced in any manner whatsoever.

JUDGE