

IN THE HIGH COURT OF SINDH AT KARACHI

Crl. Bail Appln. No.1886 of 2025
Crl. Bail Appln. No.1644 of 2025
Crl. Bail Appln. No.1796 of 2025
Crl. Bail Appln. No.3162 of 2025

Applicants : Hakim Ali, Muhammad Anwar, Mumtaz, Zulfiqar Ali, Munawar, Mehtab, Rajab, Abdul Kabir, Ghulam Dastagir, through Mr. Ahmed Nawaz, Advocate in Cr. B.As Nos. 1886, 1644 and 1796 of 2025.

Applicants : Muhammad Soomar and Shahzaib through Mr.Irshad Ali Bhatti, Advocate in Cr. B.A. No. 3162/2025.

Respondent : The State through Mr. Muhammad Noonari, D.P.G

Date of hearing : 02.3.2026.

Date of order : _____

ORDER

TASNEEM SULTANA-J.:- Through this common order, I propose to dispose of Criminal Bail Application No.1886 of 2025 filed by applicant Hakim Ali for post-arrest bail and Criminal Bail Application Nos.1644,1796 and 3162 of 2025 filed by applicants namely Muhammad Anwar, Mumtaz, Zulfiqar, Munawar, Mehtab, Rajab; Abdul Kabir, Ghulam Dastagir, Muhammad Soomar and shah Zeb respectively for pre-arrest bail, all seeking the concession of post-arrest and pre-arrest bail arising out of Crime No.157 of 2025 registered at Police Station Sujawal under Sections 324, 458, 354, 506(2), 509, 504, 427, 114, 147, 148 and 149 P.P.C. Having had their earlier pre-arrest and post-arrest bail applications rejected by the learned Additional Sessions Judge-I, Sujawal, vide orders dated 03-07-2025,17-06-2025, 10-07-2025 and 10-10-2025 respectively, hence these applications for the same concession.

2. Brief facts of the prosecution case are that the complainant Muhammad Soomar alleged that on26-05-2025 the accused persons namely Muhammad Anwer, Mumtaz, Hakim Ali, Abdul Kabir, Ghulam Dastagir, Zulfiqar Ali, Munawar, Ghaffar Ali, Mehtab and Rajab along with their associates, armed with knives, iron rods and lathis, trespassed into the house of the complainant and the accused Abdul Kabir inflicted a knife blow upon Shah Zeb on the lower lip, accused Ghulam Dastagir caused a knife blow to Shah Jehan on the head and accused Hakim Ali inflicted an iron rod blow upon the complainant Muhammad Soomar on his head while, accused Mumtaz and Zulfiqar caused iron rod blows on different parts of the body and the remaining accused persons, being armed with lathis, participated in the occurrence and subjected the complainant party to assault; they also abused

the women of the house and damaged household articles; as a result whereof the complainant and other persons sustained injuries and thereafter the matter was reported to the police whereupon the present crime came to be registered.

3. Learned counsel for the applicants contended that the applicants are innocent and have been falsely implicated due to previous dispute between the parties; that most of the applicants have been assigned only general role under the provisions relating to unlawful assembly; that the medical evidence does not fully support the prosecution version; that the nature and attribution of injuries require deeper appreciation of evidence; and that the case of the applicants falls within the ambit of further inquiry under Section 497(2) Cr.P.C.

4. Learned counsel appearing on behalf of applicants Muhammad Soomar and his son Shah Zeb contended that Muhammad Soomar had initially set the law into motion by lodging the FIR; however, during the course of investigation the Investigating Officer, allegedly acting mala fide and on the statements of the opposite party, involved the complainant and his son namely Shah Zeb as accused in the same occurrence by setting up a counter version. He further submitted that both Muhammad Soomar and Shah Zeb sustained injuries during the same incident, which circumstance, according to the learned counsel, indicates that the matter arose out of a dispute between the parties and requires proper appreciation of evidence at trial.

5. Learned Deputy Prosecutor General, upon query from the Court regarding the factual position emerging from the record, assisted the Court by submitting that the material collected during investigation reflects that persons from both sides sustained injuries in the same occurrence and that Muhammad Soomar, who had initially lodged the FIR as complainant, was subsequently shown as an accused along with his son Shah Zeb during the course of investigation. He further pointed out that the medical evidence and other relevant material have been brought on record before the learned trial Court, leaving the matter to be adjudicated by this Court in accordance with law through an appropriate order.

6. Heard. Record perused.

7. It appears from the record that the allegations against applicants Muhammad Anwar, Mumtaz, Zulfiqar, Munawar, Mehtab and Rajab are general in nature and they have been implicated merely by attributing to them the role of being members of the alleged unlawful assembly. Whether these applicants shared the common object of the assembly and actively participated in the occurrence in the manner alleged by the prosecution are questions which would require deeper appreciation of evidence and cannot be conclusively determined at the bail stage but would be subject to determination after recording of evidence before the learned trial Court.

8. So far as applicants Abdul Kabir, Ghulam Dastagir and Hakim Ali are concerned, they have been attributed specific allegations of causing injuries to the complainant party. However, perusal of the medical material placed on record reflects that the injuries have been classified differently in the medico-legal certificates. The injury attributed to Muhammad Soomar has been opined to fall under Sections 337-A(i) and 337-L(ii) P.P.C.; the injuries sustained by Shah Zeb have been categorized under Sections 337-A(ii) and 337-A(i) P.P.C.; and the injury sustained by Shah Jahan has been categorized under Sections 337-A(i) and 337-F(i) P.P.C.

9. The record further reflects that applicants Hakim Ali, Abdul Kabir and Ghulam Dastagir also received injuries during the same incident. Applicant Hakim Ali received injuries falling under Sections 337-A(i) and 337-L(ii) P.P.C.; applicant Abdul Kabir received injuries categorized under Sections 337-F(vi) and 337-L(ii) P.P.C.; whereas applicant Ghulam Dastagir received three injuries falling under Section 337-L(ii) P.P.C. The fact that both sides allegedly received injuries during the same occurrence prima facie suggests that the incident may have been the result of a mutual altercation, the true genesis of which cannot be determined at this stage and would require deeper appreciation of evidence by the learned trial Court after recording of evidence.

10. It further appears from the record that Muhammad Soomar, who initially set the law into motion by lodging the FIR as complainant, was subsequently shown as an accused during the course of investigation along with his son Shah Zeb in respect of the same occurrence. In such circumstances, where both sides are alleged to have participated in the incident and the role attributed to each accused is yet to be tested through evidence. The matter, therefore, prima facie falls within the ambit of further inquiry as envisaged under Section 497(2), Cr.P.C., requiring deeper appreciation of evidence at trial.

11. It further appears from the record that the investigation has already been completed and the challan has been submitted before the learned trial Court; therefore, the applicants are no more required for the purpose of investigation. Moreover, the medical classification of the injuries prima facie does not fully correspond with the allegation attracting Section 324 P.P.C. contained in the FIR. Whether the injuries were inflicted in the manner alleged by the prosecution and whether the ingredients necessary to attract Section 324 P.P.C. are ultimately established are questions which would require deeper appreciation of evidence and can only be determined by the learned trial Court after recording of evidence. In such circumstances, the case of the applicants prima facie falls within the ambit of further inquiry as contemplated under Section 497(2) Cr.P.C. Reliance in this regard may also be placed on the case of *Saeedullah and 2 others v. The State and another* (2023 SCMR 1397), wherein the Honourable Supreme Court of

Pakistan held that where the nature of injuries and surrounding circumstances create doubt regarding the intention to commit murder, the applicability of Section 324 P.P.C. would be determined by the trial Court after recording of evidence.

12. In view of the above discussion and tentative assessment of the material available on record, applicant Hakim Ali has succeeded in making out a case of further inquiry within the meaning of Section 497(2) Cr.P.C.; therefore, he is entitled to the concession of bail. Consequently, Criminal Bail Application No.1886 of 2025 is allowed and the applicant is admitted to bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Lac) and a P.R. bond in the like amount to the satisfaction of the trial Court. So far as Criminal Bail Application Nos.1796 of 2025, 1644 of 2025 and 3162 of 2025 seeking pre-arrest bail are concerned, the interim pre-arrest bail earlier granted to the applicants is hereby confirmed on the same terms and conditions.

13. Needless to observe that the observations made hereinabove are tentative in nature and the learned trial Court shall decide the case strictly in accordance with law and on the basis of evidence that may be led before it, without being influenced by any observation made in this order.

JUDGE