

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
CrI. Bail Application No. D- 105 of 2026

Before:-

Mr. Justice Adnan-ul-Karim Memon
Mr. Justice Abdul Hamid Bhurgri

Hearing of bail application

1. For orders on office objection at flag 'A'
2. For the hearing of the bail application

09.06.2026

Mr. Ghulam Muhammad Channa, Advocate for the Applicant
Mr. Hameed Dahri, Advocate for the complainant.
Mr. Shafi Muhammad Mahar, Deputy PG for the State

ORDER

Adnan-ul-Karim Memon, J;- The applicant, Aijaz Hussain Leghari, has sought pre-arrest bail under Section 498 Cr.P.C. read with Section 21-D of the Anti-Terrorism Act, 1997, in Crime No. 172 of 2025 registered at P.S. Moro, District Naushahro Feroze, for offences under Sections 324, 353, 436, 337-A(i), 337-A(ii), 337L(ii), 337-H(ii), 148, 149, 397, 427, 109,504, 450 and 506/2 PPC and 6/7 Anti-Terrorism Act, 1997.

2. Learned counsel for the applicant submitted that the applicant had been falsely implicated due to political rivalry. It was argued that the FIR merely mentioned the name of "Aijaz Ali Leghari" without sufficient particulars, and no specific overt act had been assigned to the applicant except an alleged role of instigation. Counsel further maintained that the applicant had no direct involvement in the occurrence, that the prosecution's case was based on interested witnesses, and that his implication was tainted with mala fide. It was also submitted that the parties had since resolved their dispute through mediation, and the complainant side had agreed to extend no objection to the applicant's bail.

3. Learned APG, opposed the bail application and argued that the applicant was specifically nominated in the FIR and was assigned a commanding role in the commission of serious offences, including armed attack, injuries to police officials and private persons, robbery, arson, and acts creating terror. It was contended that statements of several prosecution witnesses recorded under

Section 161 Cr.P.C. consistently placed the applicant at the scene and attributed to him a leadership role. The prosecution further submitted that the applicant's custody was required for recovery and forensic analysis of his mobile phone, which had not been produced during the investigation. It was therefore argued that sufficient incriminating material existed against the applicant and that no case for the extraordinary relief of pre-arrest bail was made out.

4. Mr. Hameed Dahri, Advocate for the complainant, has filed no-objection affidavits of the injured persons, namely Muhammad Ramzan, Jinsar Ali, and Himat Ali, and expressed his willingness for confirmation of the bail granted to the applicant vide order dated 29.4.2026.

5. We have heard the learned counsel for the parties and perused the record with their assistance.

6. The complainant alleged that on 20.05.2025, a large armed mob comprising nominated and unidentified persons forcibly entered the bungalow at Moro. The assailants, armed with firearms, iron rods, lathis, and petrol/chemical bottles, resorted to aerial and straight firing, causing injuries to police officials and private employees, robbing official SMG rifles and motorcycles, damaging household property, and setting vehicles and other articles on fire. It was further alleged that the accused created terror in the area by burning an electricity transformer and attempting to ignite gas cylinders. Regarding the present applicant, Aijaz Ali Leghari, the FIR does not attribute any specific overt act to him; however, it is alleged that during the occurrence, some accused persons proclaimed that they had acted on the directions and instigation of, among others, Aijaz Ali Leghari, to attack and set fire to the House. On this basis, the complainant alleged that the accused persons, acting in furtherance of their common object and on the instigation of their leaders, committed the offences of rioting, attempted murder, arson, robbery, criminal intimidation, and acts of terrorism.

7. In the present case, although the FIR pertains to grave allegations involving armed rioting, attempted murder, arson, robbery, injuries to police officials, and offences falling within the

ambit of Sections 6 and 7 of the Anti-Terrorism Act, the role assigned to the present applicant is distinguishable from that of the principal assailants.

8. A careful examination of the FIR reveals that no specific overt act, injury, act of firing, arson, robbery, or property damage has been attributed to the applicant. His name appears only in the context of an alleged instigation, based upon the assertion that certain accused persons proclaimed during the occurrence that they were acting on his directions.

9. Significantly, the allegation against the applicant is indirect in nature and rests primarily upon the statement allegedly made by co-accused persons during the incident. Such an allegation, at least at the bail stage, requires further corroboration through evidence to establish its evidentiary worth. Furthermore, the complainant side, including the injured witnesses Muhammad Ramzan, Jinsar Ali, and Himat Ali, has voluntarily filed no-objection affidavits and expressly stated that they have no grievance against the applicant.

10. The compromise entered into between the parties, though not by itself determinative in offences of a serious nature, remains a relevant circumstance while assessing the necessity of custodial interrogation and the existence of mala fide or ulterior motives behind the continued pursuit of arrest.

11. It is also noteworthy that the applicant had already been enjoying interim pre-arrest bail since 29.04.2026, and nothing has been brought on record to show that during this period he misused the concession of bail, attempted to abscond, tampered with prosecution evidence, influenced witnesses, or obstructed the course of justice.

12. The prosecution has not demonstrated any exceptional circumstance necessitating his immediate arrest, particularly when the complainant and injured persons themselves have withdrawn their opposition to the grant of bail.

13. Since the relief of pre-arrest bail is intended to protect a person from unnecessary humiliation and unjustified arrest where

circumstances so warrant, and as the allegations against the applicant are confined to an alleged role of instigation without any specific overt act, coupled with the subsequent compromise and no-objection affidavits of the injured persons, the case calls for confirmation of the interim pre-arrest bail already granted by this court vide order dated 29.4.2026.

14. Accordingly, without touching upon the merits of the case, and subject to the applicant's continued cooperation with the investigation and trial, the interim pre-arrest bail granted vide order dated 29.04.2026 is rightly confirmed on the same terms and conditions.

15. The observations made herein are tentative in nature and shall not prejudice either party during trial.

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