

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail. Application No.S-1028 of 2025
[Bilawal vs. The State]

Applicant by: Mr. Ayaz Ali Laghari advocate
Complainant by: Mr. Ahsan Gul Dahri advocate
State by: Mr. Khalid Hussain Lakho D.P.G
Date of hearing 18.06.2026
Date of Order 18.06.2026

ORDER

TASNEEM SULTANA, J: Through this bail application, the applicant Bilawal seeks pre-arrest bail in Crime No.157 of 2025, registered at Police Station C.P Airport A-Section Latifabad, for offences punishable under Sections 324, 342, 34, 337-F(vi) and 337-F(i), P.P.C. His earlier bail application for the same relief, being CrI. Bail Application No.1142 of 2025, was declined by the learned trial Court vide order dated 13.06.2025.

2. Brief facts of the prosecution case are that on the night intervening 13/14.04.2025, an altercation took place at the house of Ilyas, relative of the accused persons, where accused No.1 allegedly resorted to aerial firing and, upon objection by the complainant's brother Muzamil Shah, accused Babar instigated the present applicant Bilawal to fire. It is alleged that the applicant then made fire upon Muzamil Shah. The injured later informed the complainant through cell phone, whereafter he was shifted to hospital and the present FIR came to be registered pursuant to order of the learned Ex-Officio Justice of Peace.

3. Learned counsel for the applicants contends that the applicant is innocent and has been falsely implicated with mala fide intent; that all the story is false and concocted one; that there is an unexplained delay of about one month in registration of FIR; that fact of the matter is that complainant and his brother were working under supervision of applicant and during that period complainant borrowed an amount of Rs.3,00,000/- from applicant and then left the work and on demand of amount they concocted the story and lodged the false FIR against applicant; that section 337-F(vi) and 337-F(i) are not mentioned in FIR and same were inserted in challan at later stage and this ground is sufficient to hold that entire story is false and concocted one; that co-accused Babar has already been granted bail by the trial Court vide Order dated 13.06.2025, therefore, the applicant is also entitled for same relief on the rule of consistency.

4. Contrary learned Deputy Prosecutor General, duly assisted by learned counsel for the complainant, opposes the bail application and

argues that applicant is nominated in FIR with specific role of causing injury to brother of complainant that has been declared as 337-F(vi), which carries punishment upto seven years; that delay occurred as police was not inclined to lodge FIR, which compelled the complainant to approach Ex-Officio Justice of Peace; that case of co-accused is on different footings as such not helpful for present applicant-accused.

5. Heard. Record perused.

6. It appears from the record that the role attributed to the present applicant is of making fire upon injured Muzamil Shah, allegedly on the instigation of co-accused Babar. The medical record shows that one injury is on the left elbow, whereas the other is on the back of left side abdomen. According to final medical opinion, the injuries have been brought within the ambit of Sections 337-F(vi) and 337-F(i), P.P.C., out of which Section 337-F(vi), P.P.C. carries punishment up to seven years.

7. At this tentative stage, the seat, nature and effect of the injuries, as well as the question whether the ingredients of Section 324, P.P.C. are ultimately attracted, cannot be conclusively determined while deciding this bail application. Guidance may be drawn from *Ali Raza v. The State and others* (2022 SCMR 1245) and *Jamaluddin and another v. The State* (2023 SCMR 1243), wherein the Hon'ble Supreme Court has held that where the question of intention to commit murder and applicability of Section 324, P.P.C. requires deeper appreciation of material, such aspect is to be determined by the trial Court.

8. The record further shows that co-accused Babar, who is attributed the role of instigation, has already been granted bail by the learned trial Court vide order dated 13.06.2025. In the circumstances noted above, the case of the applicant calls for further inquiry at this stage.

9. In view of the above facts and circumstances, the applicant has succeeded in making out a case for confirmation of interim pre-arrest bail. Accordingly, the instant bail application is allowed and interim pre-arrest bail already granted to the applicant vide order dated 03.09.2025 is hereby confirmed on the same terms and conditions.

10. Needless to observe that the observations made hereinabove are tentative in nature and shall not prejudice the learned trial Court while deciding the case on merits.

JUDGE