

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

Criminal Bail application No.S-1583 of 2025

Applicant : Ghulam Rasool son of Wali Muhammad Panhwar through Mr. Zahid Hussain, Advocate.

Complainant: Through Mian Taj Muhammad Keerio, Advocate.

Respondent : The State, through Mr. Khalid Hussain Lakho, Deputy Prosecutor General, Sindh.

Date of hearing : **18.06.2026**

Date of order : **18.06.2026**

ORDER

TASNEEM SULTANA, J.— Through the instant Criminal Bail Application, the applicant Ghulam Rasool seeks pre-arrest bail in Crime No.48 of 2025, registered at Police Station Nindo, District Badin, under Sections 337-F(vi), 337-A(i), 504 and 34 PPC. His earlier bail application No.942 of 2025 was dismissed by the learned Additional Sessions Judge-II, Badin, vide order dated 09.07.2025.

2. Brief facts of the prosecution case are that on 04.04.2025 at about 2000 hours, due to matrimonial dispute, accused Wali Muhammad, armed with lathi, and present applicant Ghulam Rasool, armed with iron rod, came in front of the house of complainant Deen Muhammad. On the instigation of accused Wali Muhammad, the present applicant allegedly caused iron rod blow to the complainant on the finger of his right hand, whereas co-accused Wali Muhammad caused lathi blow on his head. On cries, PW Abdullah and other neighbours arrived at the spot, whereafter the accused persons went away. The complainant was taken to Indus Hospital, Badin, through Police Station Nindo. According to the complainant, efforts for settlement through Nek Mards failed, whereafter FIR was lodged on 21.05.2025.

3. Learned counsel for the applicant contends that the applicant is innocent and has been falsely implicated due to matrimonial dispute between the parties; that the FIR was lodged after delay of about 47 days

without plausible explanation; that even the medical letter was obtained after about seven days of the alleged occurrence; that although the police station is situated near the place of incident, no prompt report or N.C. was lodged; that the delay has provided room for consultation and deliberation; that the injuries shown in the medical certificate are disputed by the defence as previous injuries; that co-accused Wali Muhammad has already been granted bail by the learned trial Court; that the alleged offences do not fall within the prohibitory clause of Section 497, Cr.P.C.; and that the applicant is ready to face trial. He lastly prayed that interim pre-arrest bail already granted to the applicant may be confirmed.

4. Conversely, learned Deputy Prosecutor General, assisted by learned counsel for the complainant, opposes the bail application and submits that the applicant is nominated in the FIR with a specific role; that the medical certificate supports the prosecution version; that the delay has been explained by the complainant on account of efforts for settlement through Nek Mards; that the applicant, along with co-accused, caused injuries to the complainant; and that no case for extraordinary relief of pre-arrest bail is made out.

5. Heard. Record perused.

6. It appears from the record that the allegation against the applicant is confined to causing an iron rod blow on the finger of the complainant. The parties are admittedly at dispute over matrimonial affairs. The FIR was lodged after delay of about 47 days and even the medical letter was obtained after about seven days of the alleged occurrence. In view of the previous dispute between the parties, such delay in reporting the matter and obtaining medical letter calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

7. The alleged offences, though non-bailable to the extent of Sections 337-F(vi) and 337-A(i), PPC, do not fall within the prohibitory clause of Section 497, Cr.P.C., whereas the remaining offences are bailable. It is settled that in offences not falling within the prohibitory clause, grant of bail is a rule and refusal is an exception, unless exceptional circumstances are shown. Reliance in this regard may be placed on *Sheikh Abdul Raheem v. The State and another* (2021 SCMR 822) and *Muhammad Tanveer v. The State and another* (PLD 2017 SC 733).

8. So far as the objection regarding extraordinary relief of pre-arrest bail is concerned, the delay in lodgment of FIR, delay in obtaining medical

letter and previous dispute between the parties are relevant circumstances which, at this stage, justify extension of protective relief to the applicant. Nothing has been pointed out to show that the applicant has misused the interim concession or avoided the process of law. The applicant has, therefore, made out a case for confirmation of interim pre-arrest bail.

9. In view of the above facts and circumstances, interim pre-arrest bail already granted to the applicant vide order dated 24.12.2025 is hereby confirmed on the same terms and conditions.

10. The applicant shall attend the trial Court regularly and shall not misuse the concession of bail; in case of misuse, the trial Court shall be at liberty to proceed in accordance with law. The observations made herein are tentative in nature and shall not prejudice the case of either party at trial.

JUDGE

Ahmed/Pa,