IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Bail Application No. S-124 of 2026
[Sumair v. The State]
Criminal Bail Application No. S-139 of 2026
[Aijaz v. The State]

Applicants:	Through Mr. Sharjeel Sattar Bhatti, Advocate
The State:	Through Mr. Aitbar Ali Bullo, DPG
Complainant:	Through Mr. Abdul Sattar Hulio, Advocate
Date of Hearing:	11.06.2026
Date of Order:	11.06.2026

O R D E R

RIAZAT ALI SAHAR, J: - I intend to dispose of these two bail applications through this single order.

2. The applicants, namely, (1) Sumair son of Shabir Mangi and (2) Aijaz son of Haji Manzoor Brohi, have filed separate applications seeking post-arrest bail in Crime No. 80 of 2025, registered at Police Station Qubo Saeed Khan for offences punishable under Sections 324, 148, 149, 337—F(iii) & 337-F-(v),P.P.C. Earlier, the applicants approached the Court of learned Sessions Judge, Kamber-Shahdadkot at Kamber by filing applications under Section 497, Cr.P.C., which were subsequently transferred to the Court of learned Additional Sessions Judge-II, Shahdadkot. The said applications were dismissed vide order dated 04.03.2026, whereafter the applicants invoked the jurisdiction of this Court through these bail applications.

3. Since the prosecution case and the allegations levelled in the F.I.R. have already been reproduced in detail in the impugned order and form part of the record, it would serve no useful purpose to reiterate the same herein. Reliance in this regard may aptly be placed upon the judgment of the Honourable Supreme Court of Pakistan in *Muhammad Shakeel v. The State* (PLD 2014 SC 458), wherein it was observed that unnecessary reproduction of facts

already available on record should be avoided and judicial orders ought to remain concise while dealing with the real controversy involved in the matter.

4. Learned counsel for the applicants submitted that the applicants have been implicated in the instant case with the allegation that, in furtherance of their common intention, they committed the offences punishable under Sections 324, 148, 149, P.P.C. He contended that the prosecution case, even if accepted at its face value, does not attract the provisions of Section 324, P.P.C., as the essential ingredients thereof are lacking. He further argued that the remaining offences do not fall within the prohibitory clause of Section 497, Cr.P.C. According to him, the applicants are innocent and have been falsely implicated by the complainant party due to ulterior motives. He further submitted that the applicants have remained behind bars for more than five months, the investigation has already been completed, and the case has been challaned; therefore, they are no longer required for any further investigation. Lastly, he prayed for grant of bail.

5. Conversely, learned Deputy Prosecutor General, assisted by learned counsel for the complainant, opposed the bail applications and submitted that the applicants/accused are specifically nominated in the F.I.R. and have actively participated in the commission of the offence. He argued that the offence alleged against the applicants is of a heinous nature involving Section 324, P.P.C.; therefore, they do not deserve the concession of bail. He prayed for dismissal of the applications.

6. Heard learned counsel for the parties and perused the material available on record.

7. The case primarily pertains to injuries allegedly caused on non-vital parts of the body. Therefore, the applicability of Section 324, P.P.C. requires deeper appreciation of evidence and calls for further inquiry within the meaning of Section 497(2), Cr.P.C. Tentatively, the alleged offences fall within the ambit of Sections 337-F(iii) and 337-F(v), P.P.C., which carry a maximum punishment of up to five years' imprisonment and, therefore, do not fall within the prohibitory clause of Section 497, Cr.P.C.

8. It is an admitted position that the applicants have remained in judicial custody for a period exceeding five months. The investigation has already been finalized and the report under Section 173, Cr.P.C. has been submitted before the learned trial Court. Thus, the applicants are no longer

required by the investigating agency for any further probe or recovery. Moreover, nothing has been brought on record to suggest that, if enlarged on bail, the applicants are likely to abscond, evade the process of law, tamper with the prosecution evidence, or attempt to influence or intimidate the prosecution witnesses. In such circumstances, the continued incarceration of the applicants would serve no useful purpose and would amount to pre-trial punishment, which is not the object of the law relating to bail.

9. Before parting with this order, it may be observed that while adjudicating bail matters, particularly those involving allegations of a serious nature, the Court is required to undertake only a tentative assessment of the material available on record and must refrain from recording any definitive findings that may prejudice either party at the trial. It is by now a settled principle of criminal jurisprudence that the mere gravity or heinousness of an alleged offence, by itself, cannot constitute a valid ground for the refusal of bail unless the prosecution succeeds in placing on record reasonable grounds for believing that the accused is *prima facie* connected with the commission of such offence.

10. The Courts are under a legal obligation to carefully evaluate the nature, quality, and probative value of the evidence collected during the investigation so as to strike a delicate balance between the interest of society in the effective prosecution of crime and the fundamental right to liberty guaranteed under the Constitution. The seriousness of an allegation and the strength of the evidence supporting it are distinct considerations and must not be conflated.

11. It is equally well-settled that the object of bail is neither punitive nor preventive; rather, it is intended to secure the attendance of an accused during the course of trial and to ensure that the administration of justice proceeds unhindered. Therefore, unless the record discloses solid, convincing, and confidence-inspiring material reasonably connecting an accused with the alleged offence, the approach of the Court should remain fair, balanced, and consistent with the settled principles governing the grant or refusal of bail. Any departure from these principles would amount to treating pre-trial detention as a form of punishment, which is alien to the spirit of our criminal justice system.

12. For the foregoing reasons, captioned bail applications are allowed, and the applicants are admitted to bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) each and a personal recognizance bonds in the like amount to the satisfaction of the learned trial Court.

These are the reasons for my short order dated 11.06.2026

JUDGE

M Yousuf Panhwar/**