

**HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD****Cr. Bail Application No.S-162 of 2026.***[Abdul Rahim & another Vs. The State]*

Applicants : Abdul Rahim and Abdul Karim **through** Mr. Muhammad Imran Bhatti, Advocate.

Complainant : Yaseen **through** Mr. Raza Mukhtiar Jawahery, Advocate.

Respondent : The State **through** Ms. Rameshan Oad, Deputy Prosecutor General, Sindh.

Date of Hearing : 15.07.2026.

Date of Decision : 15.07.2026.

**ORDER**

**KHALID HUSSAIN SHAHANI, J:-** Applicants Abdul Rahim and Abdul Karim seek pre-arrest bail in case bearing Crime No.59/2025, registered under Sections 337-F(vi), 337-A(i), 337-F(i), 114, 504 & 34 P.P.C. at Police Station Kadhan, District Badin. Prior to this, their such relief was declined by the learned Additional Sessions Judge-I, Badin, vide order dated 31.01.2026.

2. The prosecution's narrative, as it emerges from the F.I.R., is rooted in a pre-existing animus between two neighbouring households, occasioned by a dispute over a street and matters touching their respective children. It is alleged that on 31.10.2025, at or about 6:00 p.m., while the complainant stood upon the contested thoroughfare, the applicants descended upon him and his brother armed with lathis, inflicting injuries to the head, left elbow, right toe, and other parts of the body. The ensuing commotion is said to have drawn bystanders to the scene, at whose approach the assailants withdrew. The complainant thereafter obtained a letter for medical examination, and upon receipt of the Final Medical Certificate, set the criminal law into motion.

3. Learned counsel for the applicants has argued the matter with conspicuous force, urging that his clients have been ensnared in false implication actuated by malice and ulterior design; that the F.I.R. is vitiated

by an unexplained and inordinate delay of twenty-seven days, a circumstance that materially erodes the presumption of veracity ordinarily attaching to contemporaneous reportage; that, of the injuries alleged, only that attributed to Section 337-F(vi) PPC is punishable up to seven years approaches any measure of gravity, and even this falls outside the prohibitory embargo of Section 497, Cr.P.C.; that it is by now firmly embedded in the jurisprudence of bail that, in offences not attracting the prohibitory clause, the grant of bail constitutes the rule, and its refusal the exception, to be justified only upon exceptional grounds; and that co-accused, facing allegations of a materially indistinguishable character, have already been extended pre-arrest bail, since confirmed by the trial Court, thereby invoking, with equal and undiminished force, the rule of consistency in favour of the present applicants. In fortification of this submission, learned counsel has placed on record a statement together with copies of some F.I.Rs registered against the complainant.

4. Learned counsel for the complainant, fortified by the able assistance of the learned Deputy Prosecutor General, has resisted the application with equal tenacity, contending that the applicants stand explicitly nominated in the F.I.R., with specific and individuated roles attributed to each, and are, on that account, disentitled to the concession sought; he has accordingly pressed for outright dismissal.

5. I have given this matter my anxious and considered attention, having heard learned counsel for the respective parties at length and subjected the record to the scrutiny that the gravity of the occasion demands. The delay attending the setting of the criminal law into motion, assuming, as the record would suggest, that the identity of the applicants was known to the complainant from the very inception of the occurrence, presents a question that is not susceptible of resolution at this preliminary stage, but must, of necessity, abide the searching test of trial. It is a proposition too well settled to admit of further elaboration that an unexplained and inordinate delay in the lodgment of an F.I.R. operates to cast a discernible shadow of doubt upon the veracity of the prosecution's version, and that the benefit of such doubt, however tentative, must at the bail stage enure to the accused. This

Court is not unmindful of the qualification that mere delay, without more, is not necessarily fatal to the prosecution's case where it stands satisfactorily explained; the record before me, however, is conspicuously silent on this score, and the delay has, in consequence, sapped the immediacy that would otherwise have lent credence to a narrative of this genre. It is further beyond dispute that the investigation has been brought to its consummation, the report under Section 173, Cr.P.C. having already been laid before the trial Court. The applicants, for their part, have throughout submitted themselves to the due process of law without demur or default; nothing on the record betrays any misuse of the interim concession, any tendency to abscond, or any attempt, however oblique, to subvert the course of justice, circumstances that must weigh, and weigh decisively, in favour of confirmation. In these premises, the continued incarceration of the applicants would serve no salutary purpose whatsoever, the investigation qua them having reached its terminus; their further detention would be tantamount to the imposition of punishment antecedent to trial, a consequence rendered all the more indefensible where the offence alleged does not attract the prohibitory rigours of Section 497, Cr.P.C.

6. In light of the foregoing, the complicity of the applicants in the offence alleged remains, at this preliminary stage, enveloped in a reasonable and abiding doubt, engendered by the cumulative effect of the unexplained delay in the lodgment of the F.I.R. It bears reiteration, as a matter of settled principle, that at the bail stage the Court's function is confined to a tentative and provisional assessment of the material on record, and does not extend to a deeper or more exhaustive appreciation of the evidence, an exercise that remains the exclusive and undiluted province of the trial Court. The ultimate question of guilt or innocence must, therefore, necessarily abide the crucible of trial and the evidence to be adduced therein. The investigation having been brought to completion, and the challan having been submitted, no useful purpose, judicial or otherwise, would be subserved by relegating the applicants to custody at this juncture, custody being intended, in its true jurisprudential conception, not as a punitive measure but as a means of securing the attendance of the accused before the Court.

7. For the reasons set out above, the applicants Abdul Rahim and Abdul Karim have made out a case warranting confirmation of bail. The interim pre-arrest bail granted vide order dated 04.02.2026 is accordingly confirmed, on the same terms and conditions as heretofore obtaining.

8. It is clarified, lest any doubt persist, that the observations contained herein are tentative in nature and shall not, in any manner, prejudice the case of either party at trial.

The applications stand disposed of accordingly, along with pending application(s), if any.

**J U D G E**

*Ali.*