

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Cr. Bail Application No. S-354 of 2026

Applicants By: Mr. Anwar Shahzad Khattak, Advocate

State By: Mr. Neel Parkash, D.P.G.

Date of Hearing: 20.07.2026

Date of Order: 20.07.2026

ORDER

Khalid Hussain Shahani, J.- The applicants Ali Nawaz and Allah Dad seek confirmation of pre-arrest bail in Crime No.57 of 2026, registered under Sections 506(ii), 114, 337-A(i), F(i), H(ii), 147, 148, 149 and 504, P.P.C., Police Station Perumal, the like relief having been declined by the learned Additional Sessions Judge-II, Sanghar, vide order dated 24.06.2026.

2. Per the F.I.R., on 31.05.2026 the nominated accused, armed and acting in furtherance of common object over a cattle-passage dispute, allegedly assaulted the complainant party at the Otaque of Ali Dost, Ali Gohar resorting to aerial firing, applicant Ali Nawaz inflicting a hatchet blow on Muhammad Ali, applicant Allah Dad inflicting a hatchet blow on Khadim, and the remaining accused administering kicks, fist blows, abuse, and threats before decamping. The F.I.R. was lodged on 03.06.2026.

3. Despite repeated notices, the complainant has not appeared.

4. Learned counsel for the applicants contends: false implication rooted in prior enmity over the cattle-passage dispute; an unexplained three days delay in lodging the F.I.R.; a prior cross-case (Crime No.54/2026) lodged by the accused party over the same occurrence,

rendering the present F.I.R. a counter-blast; and that the question of aggression is triable only on evidence. He prays for confirmation of bail.

5. Learned D.P.G. opposes confirmation, asserting active participation of the applicants in the offence.

6. Heard. Record perused.

7. The unexplained four-day delay in lodging the F.I.R., coupled with the admitted prior registration of a cross-version (Crime No.54/2026) over the identical occurrence, lends credible force to the defence plea of counter-blast, a matter resolvable only at trial. The determination of aggression likewise awaits evidentiary scrutiny. Barring Section 506(ii), P.P.C., all offences are bailable, and even the applicability of that provision demands closer evidentiary appreciation reserved for trial. Investigation stands concluded and challan submitted; no misuse of the interim bail concession is shown. On a tentative assessment, the case attracts "further inquiry" within the meaning of Section 497(2), Cr.P.C.

8. The bail application is allowed; interim pre-arrest bail granted vide order dated 01.07.2026 is confirmed on the same terms and conditions.

9. These observations are tentative and shall not prejudice either party at trial.

10. Disposed of accordingly.

JUDGE

Faisal