

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail App. No. S – 263 of 2026

(Ashique Ali Thaheem & another v. The State)

Date of hearing : 20.07.2026

Date of decision : 20.07.2026

Mr. Rafique Ahmed Muhammadi, Advocate for applicants (*present on interim pre-arrest bail*).

Complainant Nadeem Ahmed, present in person.

Mr. Mansoor Ahmed Shaikh, Deputy Prosecutor General.

## ORDER

**Arbab Ali Hakro, J.** – Through this criminal bail application under Section 498 Cr.P.C, the applicants/accused namely Ashique Ali son of Arbab Ali and Dilshad Ali son of Arbab Ali, both of caste Thaheem, seek the pre-arrest bail in Crime No.212 of 2025, registered at Police Station Baiji Sharif, District Sukkur, for offences punishable under Sections 452, 114, 337-A(i), 337-F(i), 427, 147, 148 and 149, PPC.

2. Learned counsel for the applicants contended that the applicants have been falsely implicated owing to a prior matrimonial dispute between the parties. It was argued that the complainant and the accused are close relatives, and the complainant's daughter is married into the applicants' family; therefore, exaggeration and false implication cannot be ruled out. Learned counsel further submitted that, although the alleged occurrence took place on 10.12.2025, the FIR was lodged on 13.12.2025, and that such delay was evidently used for consultation and deliberation. It was also urged that the interim pre-arrest bail earlier granted by the learned trial Court was recalled merely because the final medico-legal certificate was not available at that time; however, the said certificate has now been issued, and the injuries attributed to the applicants do not fall within the prohibitory clause of Section 497 Cr.P.C. Learned counsel lastly submitted that, in these circumstances, the applicants are entitled to confirmation of bail.

3. On 13.04.2026, the complainant received a copy of the bail application memo and filed a statement with his affidavit, in which he expressed confidence in the learned Law Officer representing the State. The complainant's statement was taken on record.

4. Learned D.P.G. opposed the instant bail application on behalf of the State and contended that the applicants are specifically nominated in the FIR and assigned a role; therefore, they do not merit the concession of pre-arrest bail. However, he did not dispute that, as per the final medico-legal certificate on record, the injuries attributed to the applicants do not fall within the prohibitory clause of Section 497, Cr.P.C.

5. I have heard learned counsel for the parties and examined the material available on the record.

6. Admittedly, the occurrence is stated to have arisen out of a matrimonial dispute between the parties. It is also not disputed that both sides are related to each other. The complainant himself has mentioned in the FIR that a dispute was ongoing between the families on account of matrimonial issues. In such circumstances, the possibility of previous ill-will being employed for false implication or exaggeration of allegations cannot be overlooked and requires careful consideration while examining a plea for pre-arrest bail.

7. The allegation against the present applicants is that they entered the complainant's house "بے جا"، which, in ordinary parlance, denotes entry without justification or lawful authority. However, bearing in mind the admitted relationship between the parties and the fact that the complainant's daughter is married into the applicants' family, the allegation of unlawful entry under Section 452 PPC, at this tentative stage, requires a more detailed appreciation of the evidence and cannot be treated as a concluded fact. Whether the entry was actuated by criminal intention and accompanied by preparation to cause hurt is a matter that can only be determined after recording evidence at trial.

8. It is also relevant that the applicants had approached the learned trial Court for pre-arrest bail, and their interim pre-arrest bail was recalled primarily on the ground that the final medico-legal certificate had not yet been received. That impediment no longer subsists. The final medico-legal certificate now on record reflects that one injury has been declared as Shajjah-i-Khafifah, falling under Section 337-A(i) PPC, while the other injury has been declared as other hurt under Section 337-L(2) PPC. The punishment prescribed for both offences is up to two years' imprisonment. Thus, the alleged injuries do not attract the prohibitory clause of Section 497 Cr.P.C.

9. It is also pertinent to note that, upon completion of the investigation, the challan has been submitted before the learned trial Court. During the course of the investigation, the Investigating Officer recommended disposal of the case under "B" class; however, the learned Judicial Magistrate concerned, while exercising jurisdiction, took cognizance of the matter and proceeded in accordance with law. These circumstances, too, warrant consideration when examining the question of further inquiry and assessing the entitlement of the applicants to the concession of pre-arrest bail.

10. Consequently, this bail application is allowed, and the interim pre-arrest bail already granted to the applicants vide order dated 17.03.2026 is hereby confirmed on the same terms and conditions.

11. Needless to mention that observations made herein are tentative in nature and shall not prejudice the merits of the case at the trial.

The bail application stands **disposed of** in the above terms.

J U D G E

Abdul Basit