

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS**

**Cr. Bail Application No. S-216 of 2026**

**Applicant:** Khadim S/o Hakim,  
*Through Mr. Gulab Meghwar, Advocate.*

**Complainant:** Ali Murad S/o Khamiso,  
*Through Mr. Gul Muhammad Arisar, Advocate.*

**Respondent:** The State.  
*Through Mr. Ghulam Abbas Dalwani, D.P.G.*

**Date of Hearing:** 22.07.2026

**Date of Order:** 22.07.2026

**ORDER**

**Khalid Hussain Shahani, J.-** Applicant Khadim seeks post-arrest bail in a case bearing Crime No. 17 of 2026, for offence under Sections 506(ii), 114, 452, 337-A(i), 337-F(i) and 34 P.P.C. of Police Station Dhoronaro, having been denied like relief by the learned Sessions Judge, Umerkot, vide order dated 29.04.2026.

2. As per the narrative set out in F.I.R. No. 17/2026, lodged on 13.04.2026 at 2230 hours, the complainant Ali Murad avers that, in consequence of a pre-existing street altercation, the applicant, in the company of co-accused Manzoor Ali and Mushtaque Ali, each armed with lathies, unlawfully trespassed upon the complainant's residence. It is alleged that co-accused Manzoor Ali instigated his companions, whereupon the applicant, wielding a hatchet, unleashed blows upon the complainant. In the course of this assault, a hatchet blow struck the complainant's minor niece, Wahidan, upon her forehead, occasioning grievous injury. The injured was forthwith conveyed to Civil Hospital Umerkot and subsequently referred to Hyderabad for specialized treatment, culminating in the registration of the instant F.I.R.

3. Learned counsel for the applicant submitted that his client stands innocently ensnared in false implication, born of pre-existing enmity

flowing from a street dispute. He further urged that the F.I.R. suffers from unexplained delay in its lodgment; that the injury attributed to the applicant was accidental rather than deliberate; that the medical evidence fails to substantiate the prosecution's version; that the offences alleged do not fall within the prohibitory clause of Section 497 Cr.P.C.; that the co-accused have already secured bail from the trial Court, thereby entitling the applicant to parity; and that the applicant's continued custody serves no further investigative purpose. On this composite reasoning, he prayed for the grant of post-arrest bail.

4. Conversely, the learned D.P.G., duly assisted by counsel for the complainant, contended that the applicant has been assigned a specific and incriminating role, namely, the infliction of hatchet blows, which finds robust corroboration in the medical evidence. He submitted that the injury squarely attracts Section 336 P.P.C., thereby bringing the case within the prohibitory embargo of Section 497 Cr.P.C. He further argued that the plea of parity is misconceived, as the co-accused were assigned only a role of presence, whereas the applicant alone stands charged with inflicting the injury. He accordingly prayed for dismissal of the bail application.

5. Heard. Record perused.

6. Upon tentative appraisal of the material on record, it emerges that the applicant has been attributed a specific and active role in inflicting blunt side hatchet blows upon the injured Wahida. This ocular account finds prima facie corroboration in the medical evidence, the Medical Officer having opined that the injury was caused by a hard and blunt instrument, categorizing it as itlaf-i-salahiyyat-i-udw punishable under Section 336 P.P.C. The plea of parity advanced by learned counsel, resting on the bail already extended to the co-accused, is devoid of merit. A perusal of the F.I.R. reveals that the co-accused were assigned merely the role of presence and instigation, whereas the applicant alone bears the specific imputation of causing the injury. The applicant's case, therefore, stands on an entirely distinct footing, rendering the rule of parity inapplicable. No material has been placed before this Court to demonstrate malafide or ulterior motive on the part of the complainant.

The applicant's name figures in the F.I.R. with a specific and unambiguous role, and the medical evidence lends credible support to the prosecution's ocular narrative. At this juncture, only a tentative assessment of the material is warranted, and no allegation of malafide has been raised against the complainant party to suggest false implication. It bears reiteration that the grant pre-arrest bail constitutes an extraordinary relief, to be exercised with circumspection and confined to exceptional circumstances where the process of law is shown to have been abused or ulterior motives are manifest. In the present case, sufficient incriminating material exists on record to prima facie connect the applicant with the commission of the alleged offence.

7. In light of the foregoing analysis, learned counsel for the applicant has failed to make out a case warranting the confirmation of bail. Consequently, the instant bail application is dismissed, and the interim pre-arrest bail earlier granted to the applicant vide order dated 05.05.2026 stands recalled.

8. The observations recorded above are tentative in nature, confined strictly to the adjudication of bail, and shall not be construed as an expression of opinion binding upon the learned Trial Court in its independent determination of the case on merits.

**JUDGE**

*Faisal*