

THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail App. No. S – 441 of 2026

(*Tanveer Hussain Dhandhan & others v. The State*)

Date of hearing : 27.07.2026

Date of decision : 27.07.2026

Mr. Sajjad Muhammad Zangejo, Advocate for applicants (*present on interim pre-arrest bail*).

Complainant Javed, present in person.

Mr. Aftab Ahmed Shar, Additional Prosecutor General.

ORDER

Arbab Ali Hakro, J. – Through this criminal bail application under Section 498, Cr.P.C., the applicants/accused, namely (1) Tanveer Hussain, son of Muhammad Deen, (2) Fida Hussain, son of Muhammad Deen, (3) Atta Hussain, son of Muhammad Deen, (4) Toufique, son of Fida Hussain, (5) Atif, son of Fida Hussain, (6) Hassnain, son of Muhammad Pannah, (7) Imam Dino, son of Raheem Bux, (8) Zeeshan Imam, son of Imam Dino, and (9) Muhammad Pannah, son of Muhammad Chattal, all of caste Dhandhan, seek confirmation of interim pre-arrest bail in Crime No. 47 of 2026 registered at Police Station Patni, District Sukkur, for offences under Sections 403, 504, 337-L(2), 337-F(i), 147, 148, and 149, PPC.

2. Learned counsel for the applicants contended that they have been falsely implicated owing to previous enmity arising from the publication of certain news items allegedly concerning the complainant party, as well as an admitted dispute between the parties. He submitted that the FIR was lodged after an unexplained delay of more than two months from the alleged occurrence dated 23.02.2026, affording ample opportunity for consultation and deliberation. Counsel further argued that the prosecution version regarding applicant Tanveer Hussain has undergone material improvement. Initially, in Criminal Miscellaneous Application No.698 of 2026, filed before the learned Ex-Officio Justice of Peace on 11.03.2026, he was alleged to be armed with a lathi; however, in the FIR registered pursuant to the order dated 29.04.2026, he was shown armed with a pistol and attributed the role of causing a butt blow therewith. Such inconsistency, according to counsel, casts serious doubt upon the veracity of the prosecution case and requires deeper appreciation at trial. Learned counsel further submitted that applicant Imam Dino has been falsely implicated despite documentary evidence of his absence from the place of

occurrence. Reliance was placed upon an Attendance Certificate issued by the Zonal Manager, Konnect by HBL, dated 13.03.2026, certifying that Imam Dino remained on official duty at Jacobabad from 10:00 a.m. to 05:15 p.m. on 23.02.2026, whereas the alleged occurrence is stated to have taken place at about 05:00 p.m. within the jurisdiction of Police Station Patni, District Sukkur. Counsel lastly contended that the injuries do not fall within the prohibitory clause of Section 497, Cr.P.C.; that the investigation has been completed; that the final challan has been submitted; and that the applicants have complied with the conditions of interim bail. He relied upon the cases reported as 2024 SCMR 43, 2023 SCMR 330 and 2007 P Cr. L J 299.

3. The complainant, present in person, relied on the learned Additional Prosecutor General to proceed on his behalf.

4. Learned Additional P.G. opposed the application, contending that all applicants had been specifically nominated in the FIR and assigned active roles. He argued that Tanveer Hussain was attributed the role of causing a butt blow with a pistol, while the remaining applicants participated in the occurrence, sharing the common object. He further submitted that the Medical Board, constituted upon challenge to the medico-legal certificate, affirmed the opinion of the first Medical Officer, who declared one injury as *Ghayr-Jaifah Hashimah* caused by a hard and blunt substance. According to him, the medical evidence supports the prosecution case, and the applicants are not entitled to the extraordinary concession of pre-arrest bail.

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

6. Admittedly, the alleged occurrence took place on 23.02.2026, whereas the FIR was registered on 06.05.2026, after recourse to proceedings under Sections 22-A and 22-B, Cr.P.C. The delay, though explained, remains a relevant circumstance when tentatively examining whether the allegations have remained consistent or have improved.

7. The inconsistency regarding applicant Tanveer Hussain is significant. In the application before the learned Ex-Officio Justice of Peace, he was initially described as armed with a lathi, yet later alleged to have inflicted a butt blow with a pistol. In the FIR, he was shown to be armed with a pistol. Whether this discrepancy is inadvertent or material to the credibility of the prosecution version requires deeper appreciation,

which is impermissible at the bail stage but cannot be ignored for tentative assessment.

8. Equally significant is the case of Imam Dino. The attendance certificate dated 13.03.2026, issued by his employer at the time, raises an arguable defence as to his presence at the place of occurrence. The evidentiary value of this record shall be determined at trial, but at this stage it cannot be brushed aside.

9. As regards the medical evidence, although the Medical Board affirmed the opinion of the first Medical Officer, the injuries disclosed do not attract the prohibitory clause of Section 497, Cr.P.C. It is settled law that where offences do not fall within the prohibitory clause, grant of bail is the rule and refusal is an exception.

10. Keeping in view the admitted delay in lodging the FIR, the apparent improvement in the role attributed to Tanveer Hussain, the documentary material regarding Imam Dino's attendance, the fact that the offences do not fall within the prohibitory clause, and the submission of the final challan, I am persuaded to hold that the applicants have made out a case for confirmation of pre-arrest bail.

11. However, since Tanveer Hussain alone has been attributed with the allegation of causing a butt blow with a pistol, albeit subject to discrepancy, it is appropriate, in the interests of justice, to confirm his interim bail, subject to enhancement of surety.

12. Accordingly, this bail application is **allowed**. The interim pre-arrest bail earlier granted to the applicants vide order dated 13.05.2026 is hereby confirmed on the same terms and conditions. Applicant Tanveer Hussain shall furnish an enhanced solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) along with P.R. bond in the like amount, to the satisfaction of the learned Additional Registrar of this Court within ten (10) days. The remaining applicants shall continue on the terms already imposed.

13. It is clarified that the observations herein are tentative and shall not prejudice the merits of the case at trial.

J U D G E