

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

Criminal Bail Application No.S-339 of 2026

Applicant: Rehmat Ali son of Abdul Aziz.
Through Mr. Asif Ali Khokhar, Advocate.

Criminal Bail Application No.S-342 of 2026

Applicant: Ghuffaran son of Muhammad Aslam.
Through Mrs. Razia Ali Zaman Patoli,
Advocate.
Mr. Jamshed Lucas Khokhar, advocate,
holding brief on behalf of Mrs. Razia Ali
Zaman Patoli, Advocate.

Criminal Bail Application No.S-343 of 2026

Applicants: 1. Quratul-ain alias Any w/o M. Anwar.
2. Muhammad Anwar s/o M. Khursheed.
Through Mrs. Razia Ali Zaman Patoli,
Advocate.
Mr. Jamshed Lucas Khokhar, advocate,
holding brief on behalf of Mrs. Razia Ali
Zaman Patoli, Advocate.

Complainant: Mst. Uzma d/o Muhammad Hanif, wife
of Ghuffaran (***called absent***).

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

Date of Hearing: 30.07.2026.
Date of Order: 30.07.2026.

O R D E R

Khalid Hussain Shahani, J.:- Applicants Rehmat Ali, Ghuffaran, Quratul-ain alias Any, and Muhammad Anwar seek confirmation of the interim pre-arrest bail already extended to them in Crime No. 138 of 2026, registered at Police Station Shahdadpur, for offence under Sections 506(ii), 337-A(i), 337-F(i) read with 34, P.P.C. The learned trial court, by order dated 18.06.2026, declined an identical prayer; that refusal now falls for reconsideration on the strength of the

record as it stands before this Court.

2. The prosecution's own narrative, as set out in F.I.R. No. 138/2026 lodged on 12.05.2026, tells a story that does not withstand close scrutiny once tested against the medical evidence. The complainant, Uzma, married to accused Ghuffaran roughly two years before the incident and mother to a son born of that union, alleges that on 11.05.2026, at about 1700 hours, her husband, mother-in-law, and several named relatives entered her room and assaulted her. She was thereafter escorted to the police station by her cousins, referred for medico-legal examination, treated, and only then did she formalize the F.I.R.

3. Mr. Jamshed Lucas Khokhar, Advocate, appeared holding brief for Mrs. Razia Ali Zaman Patoli, Advocate, who was unable to attend.

4. The learned Deputy Prosecutor General resisted confirmation of bail, yet was constrained to concede, and rightly so, that the Medico-Legal Certificate establishes that every injury attributed to the applicants is simple in nature, placing the offence squarely within the bailable category.

5. This concession is decisive. The prosecution cannot be permitted to invoke Section 506(ii), P.P.C. as a device to defeat the plain statutory character of the offence once its own medical evidence confirms the injuries as simple and bailable. No material whatsoever has been placed on record to suggest that the alleged threats carried an independent gravity capable of justifying custodial arrest on their own footing. Where the substantive injury offence is bailable, the residual invocation of a threat provision cannot, without more, be stretched into a ground for denying the extraordinary relief of pre-arrest bail, a principle too well settled to require reiteration.

6. Equally telling is the applicants' conduct during the currency of their interim bail. They have not misused the concession, have not tampered with prosecution witnesses, and have not obstructed the investigation in any manner. The investigation itself has substantially matured. Against this backdrop, custodial detention at this stage would serve no legitimate investigative or prosecutorial purpose, it would achieve nothing beyond punitive detention pending trial, which is precisely what the law of bail is designed to guard against.

7. It bears emphasis that arrest is a means to secure an accused's presence for investigation and trial, it is not, and must never become, a mechanism of pre-trial punishment. The offences concerning injury being admittedly bailable, and the prosecution having failed to demonstrate any exceptional circumstance warranting withdrawal of the concession already granted, the applicants have made out a compelling case for confirmation. Accordingly, the interim pre-arrest bail earlier granted to the applicants is confirmed, on the same terms and conditions as before.

8. For the avoidance of doubt, it is clarified that the findings recorded herein are strictly tentative, confined to the disposal of these bail applications, and shall not be read as an expression of opinion on the merits of the case so as to prejudice either side at trial.

The bail applications stand disposed of in the above terms.

JUDGE

Adnan Ashraf Nizamani