

ORDER SHEET
**IN THE HIGH COURT OF SINDH CIRCUIT COURT
HYDERABAD**

Criminal Bail Applications No.S-306 of 2026

Applicant: Ali Ghulam Samoon through Mr. Ghulam Rasool Samoon, Advocate.

Respondent: The State through Mr. Irfan Ali Talpur, Deputy Prosecutor General, Sindh along with Manzoor Ali MO OPS DHQ Hospital Tando Muhammad Khan.

Complainant: Muhammad Yaseen through M/s. Abdul Hameed Bajwa and Muhammad Waqar Bhatti, Advocates.

Date of hearing: 04.05.2026 & 11.05.2026.

Date of order: 11.05.2026.

ORDER

RIAZAT ALI SAHAR, J: - Through this order, I intend to dispose of the instant post-arrest bail application filed by applicant/accused Ali Ghulam Samoon son of Faiz Muhammad in Crime No.277 of 2025, registered at Police Station B-Section, Tando Muhammad Khan, for offences punishable under sections 324, 506/2, 337-A(i), 337-F(i), 504 and 34 PPC. The applicant seeks concession of bail after arrest, whereas the same has been vehemently opposed by the learned Deputy Prosecutor General Sindh as well as learned counsel for the complainant.

2. The prosecution case, as set out in the FIR, is that complainant Muhammad Yaseen Jat, a taxi driver by profession, alleged that due to an on-going dispute regarding a sewerage line between his brothers and the accused party, several peace-making meetings had earlier been convened by local notables. On the day of incident, while the complainant was present at Taxi Stop Tando Muhammad Khan, he received telephonic information from one Farhan Mallah that injured persons Waseem Sajjad and Naeem Nawaz were attacked by the accused party. It is alleged that applicant/accused Ali Ghulam Samoon, armed with a hatchet, accompanied by co-accused Awais Samoon, Amjad Samoon and Shahzad Samoon, reached the place of occurrence, abused the injured persons and, in furtherance of their common intention,

launched a violent assault upon them. The present applicant and co-accused Awais specifically inflicted straight hatchet blows upon injured Waseem Sajjad on his head, forehead and back repeatedly with intention to commit his murder, while co-accused caused further injuries to injured Naeem Nawaz by means of hatchets and iron rod. The accused thereafter fled away while extending threats of dire consequences. The injured persons were initially shifted to Civil Hospital Tando Muhammad Khan and thereafter referred to Hyderabad for further treatment, where medico-legal examination was conducted.

3. Learned counsel for the applicant contended that the applicant is innocent and has falsely been implicated in the present case due to previous enmity and dispute over sewerage line between the parties. He contended that the complainant himself is not an eye-witness to the occurrence and the FIR has been lodged on the basis of hearsay information allegedly conveyed by one Farhan Mallah, therefore, the prosecution story becomes doubtful and requires further inquiry within the meaning of section 497 (2) Cr.P.C. He further contended that co-accused namely Shahzad Samoon, Amjad Samoon and Awais Samoon have already been granted bail by the learned trial Court, therefore, on the rule of consistency the applicant is also entitled to the concession of bail. Learned counsel further contended that there are contradictions regarding timing of the occurrence in the cross-version lodged by the applicant bearing Crime No.278 of 2025 of PS B-Section Tando Muhammad Khan, which *prima facie* establishes *mala fide* on the part of complainant party. He also contended that the incident occurred on account of sudden quarrel without premeditation, that the applicant is a permanent resident of locality having no previous criminal record, and that the prosecution evidence requires deeper appreciation which can only be undertaken during trial. He, therefore, prayed for grant of bail to the applicant/accused.

4. Conversely, learned D.P.G. Sindh opposed the bail application and contended that the applicant has been assigned a direct and specific role of inflicting hatchet blows upon vital parts of injured Waseem Sajjad including head and forehead. He contended that the medical evidence fully corroborates the ocular account furnished in the FIR and statements recorded under section 161

Cr.P.C. Learned D.P.G. further contended that injury No.1 sustained by injured Waseem Sajjad has been declared as Shajjah-i-Munaqqilah punishable under section 337-A (iv) PPC, while injury No.2 has been declared as Shajjah-i-Hashimah punishable under section 337-A (iii) PPC, both of which fall within the prohibitory clause of section 497 Cr.P.C. He further contended that the counter FIR lodged by the applicant is merely a counterblast and has no bearing upon merits of the present case.

5. Learned counsel for the complainant adopted the arguments advanced by learned D.P.G. Sindh and further contended that the applicant is the principal accused having caused repeated hatchet blows on the vital parts of injured Waseem Sajjad. They contended that the prosecution case is fully supported by ocular as well as medical evidence and no *mala fide* has been established against the complainant party. They further contended that the plea of consistency is not available to the applicant because cancellation proceedings against the co-accused are already pending before the competent Court.

6. I have heard learned counsel for the parties at considerable length and have gone through the material available on record with their able assistance.

7. *Prima facie*, the record reflects that the present applicant has been assigned a specific, active and distinguishable role in the commission of offence. The FIR specifically attributes to him the act of inflicting straight hatchet blows upon injured Waseem Sajjad on his head, forehead and back repeatedly with intention to commit his murder. The statements of injured witnesses namely Waseem Sajjad and Naeem Nawaz as well as eye-witness Farhan Mallah recorded under section 161 Cr.P.C. are fully consistent with the contents of the FIR and specifically implicate the present applicant in the occurrence. At this tentative stage, there appears **no** material contradiction or infirmity which may create reasonable doubt in the prosecution case so as to extend benefit of further inquiry to the applicant.

8. The medical evidence also lends strong corroboration to the ocular account. The Medico-Legal Certificate reveals that injured Waseem Sajjad sustained **multiple injuries** including a lacerated

wound on forehead with exposed bone declared as **Shajjah-i-Munaqqilah** under section **337-A (iv) PPC**, another injury on scalp declared as **Shajjah-i-Hashimah** under section **337-A (iii) PPC**, besides additional injuries falling under sections 337-A (ii) and 337-F (iii) PPC. **The nature, seat and severity of injuries clearly demonstrate the brutality of assault and the intention of the assailants.** Significantly, the injuries were caused on **vital parts** of the body by means of deadly weapon i.e. hatchet. Such injuries squarely attract the prohibitory clause of section 497 Cr.P.C., therefore, the concession of bail cannot be extended as a matter of course.

9. The plea of false implication on account of previous enmity is also devoid of force because previous enmity is a double edged weapon which cuts both ways and can equally furnish motive for commission of offence. Mere existence of prior dispute regarding sewerage line is not sufficient to discard the otherwise confidence inspiring prosecution case, particularly where the same is supported by injured eye-witness account and medical evidence. Likewise, the argument that complainant is not an eye-witness is inconsequential at this stage because the prosecution has produced direct ocular account of injured witnesses and eye-witness Farhan Mallah, whose statements *prima facie* support the prosecution version. Further, the plea regarding rule of consistency is also not available to the applicant. The role attributed to the present applicant is distinct, specific and graver in nature, as compared to co-accused persons. **So far as the bail granted to co-accused Awais Samoon having similar role is concerned, the same stands on an altogether different footing, as he was admitted to bail on the ground of being a juvenile/minor accused.** In this regard, section 6 (3) of the Juvenile Justice System Act, 2018 provides that “*Where a juvenile is arrested or detained for commission of a minor or major offence, for the purposes of this Act, he shall be treated as if he were accused of commission of a bailable offence.*” The basic object and spirit of the law is to ensure protection of juveniles and to keep them away from the company and influence of hardened criminals during incarceration. Therefore, the concession of bail extended to the said co-accused was based upon a special statutory protection available exclusively to juvenile offender and the same cannot be extended to the present applicant on the principle of consistency. **The applicant is alleged to have inflicted repeated hatchet blows on vital parts**

of injured Waseem Sajjad, resulting in serious injuries attracting sections 337-A (iii) and 337-A (iv) PPC. Moreover, the complainant has already challenged the grant of bail to co-accused persons through Criminal Miscellaneous Application No.257 of 2026, which is admittedly pending adjudication before the Court. Therefore, no benefit can be derived by the applicant on the basis of alleged parity.

10. Equally, the cross FIR bearing Crime No.278 of 2025 lodged by the applicant appears to be a counterblast to the present case. *Prima facie*, the same does not diminish the evidentiary value of the prosecution case particularly when the injuries attributed to the complainant party stand medically substantiated. The reliance placed by learned counsel for the complainant upon the case of “Sugra Bibi v. The State” reported as PLD 2018 SC 595 also carries substance, wherein the Honourable Supreme Court deprecated registration of multiple FIRs regarding the same occurrence.

11. The contention that the matter calls for deeper appreciation of evidence is also not persuasive because at bail stage only tentative assessment of material is required. The available material *prima facie* connects the applicant with commission of the offence and there exist reasonable grounds to believe that he is guilty thereof. The offences attributed to the applicant fall within the prohibitory clause and no exceptional or extraordinary circumstance has been shown warranting deviation from the settled principles governing post-arrest bail. It is also noteworthy that the injuries were allegedly caused in broad daylight with deadly weapons upon vital parts of the body, thereby creating serious alarm and insecurity in the locality. The manner of occurrence reflects *prima facie* preparation, common intention and brutality on the part of the accused persons. Furthermore, allegations have also surfaced regarding threats and harassment extended to the complainant party after grant of bail to co-accused persons, which further disentitles the applicant from claiming discretionary relief of bail at this stage. **Offences under sections 337-A (iii) & (iv) PPC fall within the prohibitory clause of section 497 Cr.P.C. and where reasonable grounds exist connecting the accused with commission of offence, concession of post-arrest bail is to be withheld.**

12. For what has been discussed above, I am of the considered view that sufficient material is available on record connecting the present applicant with commission of the alleged offence and no case of further inquiry within the meaning of section 497 (2) Cr.P.C. is made out. Consequently, the instant post-arrest bail application filed by applicant/accused Ali Ghulam Samoon is **dismissed**. However, learned trial Court is directed to conclude trial within four (04) months under intimation to this Court through Additional Registrar.

13. Needless to observe that the observations made hereinabove are purely tentative in nature and shall not prejudice the case of either party during trial.

JUDGE

Abdullah Channa/PS*