

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S-601 of 2026

Applicants:	1. Nabi Bux son of Lal Bux. 2. Imran Ali son of Ali Bux. 3. Muhammad Yousif s/o Muhammad Hussain. All bycaste Wangani, Resident of village Wangani, Taluka Bhiria, District Naushahro Feroze through Mr. Dhanraj, advocate.
The Complainant.	Mazhar Ali son of Pir Bux bycaste Wangani through Mr. Abdul Karim G.Luhrani, advocate.
The State	Through Mr. Mansoor Ahmed Shaikh, Deputy Prosecutor General, Sindh.

Date of hearing & Orders: 21-09-2026.

O R D E R.

Suresh Kumar, J--- Through the instant bail application, the applicants named above seek confirmation of the ad-interim pre-arrest bail already granted to them by this Court vide order dated 19-06-2026, in a case bearing crime No. 189/2026, offence u/s 324, 337H(ii), 148, 149, 504 PPC, registered at Police Station Naushahro Feroze.

2. The facts of the prosecution case, as depicted in the FIR, are as follows: Complainant Mazhar Ali Wangani lodged the FIR on 30-04-2026, alleging that on 26-04-2026, he, along with his brother Akhtar Ali and cousin Naveed Ahmed, were working on their land. At approximately 7:15 AM, the accused—Qambar Ali, Imran, Irfan, Nabi Bux, Yousif, and Jameel, all armed with pistols, and Ghulam, who was armed with a repeater—approached them and issued threats of dire consequences while making aerial firing. Accused Qambar Ali fired upon Akhtar Ali with the intent to commit murder, striking him below the right knee. Accused Jameel also fired upon Akhtar Ali, hitting him in front of his right knee. Accused Imran's shot hit Akhtar Ali in the right foot, while accused Nabi Bux's shot struck him in the right palm. Accused Yousif hit Akhtar Ali on the upper side of his right knee, and accused Irfan's shot hit him on the right side, causing him to fall. Subsequently, all the accused persons

escaped while continuing to make aerial firing. The complainant then brought his injured brother to the police station, obtained a letter for treatment, and ultimately lodged the aforementioned FIR.

3. The applicants initially sought pre-arrest bail from the Court of the learned IInd Additional Sessions Judge Naushahro Feroze, which was dismissed vide order dated 12-06-2026. Being aggrieved by this dismissal, the applicants have approached this Court.

4. I have heard the learned counsel appearing on behalf of the applicants/accused and learned DPG for the State assisted by learned counsel for the complainant. They both have strongly opposed the confirmation of interim pre-arrest bail. Learned counsel for the complainant has relied upon the case of Waseem & 2 others Vs. The State (2023 P.Cr.L.J 69 [Sindh]) and 2022 SCMR 273 (Qayyum Khan Vs. The State and others).

5. Having given due consideration to the arguments advanced by the counsel for the respective parties and having perused the relevant material, it is revealed from the perusal of the FIR that applicant Nabi Bux allegedly fired from his pistol, which hit Akhtar Ali in his hand. Applicant Imran allegedly fired from his pistol, striking Akhtar Ali in his right foot, and accused Yousif allegedly fired upon Akhtar Ali, hitting him above his right knee. The FIR further reveals that there is a delay of approximately four days in lodging the FIR, and such delay has not been plausibly explained. Although the complainant was not injured, he took four days to lodge the FIR; therefore, consultation and deliberation cannot be ruled out. The injuries sustained by the injured Akhtar Ali are on the non-vital parts of his body, and the applicants/accused have not repeated their shots upon the injured, with only a single shot attributed to each applicant/accused. Consequently, the applicability of Section 324 of the Pakistan Penal Code (PPC) is yet to be determined at the time of trial, while the injuries sustained are punishable for up to seven years and do not fall within the prohibitory clause of Section 497 of the Code of Criminal Procedure (Cr.P.C.). In the case of Mir Hassan alias Fouji Brohi Vs The State (2026 YLR 1910) wherein it has been held as under:-

*“----Ss. 498 & 498-A---Penal Code (XLV of 1860), Ss. 324, 337-A(i), 337-F(i), 337-H(2), 114, 148 & 149---
.....
Admittedly, the incident as was evident from the FIR had occurred on 07.06.2025, whereas FIR thereof was lodged on 15.06.2025 i.e. with the delay of about 08 days---
Though the distance between the place of incident and the police station was only 8/9 kilometers, but the prosecution had not furnished any plausible explanation for such an inordinate delay---Delay in criminal cases is fatal for the prosecution, particularly at bail stage---As far as role attributed to the applicant it was alleged that he caused fire shot injury to injured witness, who was also a nominated accused in counter FIR---Besides, the injury attributed to applicant had been declared by the Medico-Legal Officer to be jurh ghayr jaifah hashimah carrying maximum punishment of 05 years; thus, did not exceed the limits of prohibitory clause of S.497, Cr.P.C.---Parties were allegedly on loggerheads with each other over the issue of plot/path and both were claiming that other party was the aggressor, which was yet to be determined by the Trial Court after recording evidence of the parties---In such circumstances, the case against the applicant required further enquiry within the meaning of subsection (2) of S.497, Cr.P.C.---Consequently, bail application was allowed---Interim pre-arrest bail already granted to the applicant was confirmed on same terms and conditions”.*

6. Similarly, this Court has granted bail in the case of Master Dur Muhammad & 2 others Vs The State (1994 P.Cr.L.J 1769), in which it has been held as under:-

“----S. 498---Penal Code (XLV of 1860), S. 324/147/148/149---Pre-arrest bail, grant of---All the gunshot injuries sustained by the complainant were on non vital parts of his body like arms, legs and feet---Interim pre-arrest bail earlier granted to accused was confirmed in circumstances.”

7. Moreover, co-accused Jameel and Irfan, who also caused firearm injuries to the injured Akhtar Ali, have been granted bail by the learned trial court on the grounds that they were let off by the investigating officer (I.O.). However, they have been assigned the same role as that attributed to the present applicants; therefore, the applicants are entitled to the grant of bail based on the principle of consistency. The dispute over the plot is acknowledged by the complainant in the FIR; thus, malafide intention on the part of the complainant cannot be ruled out. Following the grant of interim pre-arrest bail, the applicants have been regularly attending both the trial court and this court.

8. With due respect and regards to the case law cited by learned counsel for the complainant, but the facts and circumstances of the case law relied upon by learned counsel for the complainant are quite distinguishable from the case in hand; therefore, the same are not applicable in this case.

9. For the foregoing reasons, I am of considered view that the applicants/accused have successfully made out a case for the grant of pre-arrest bail, therefore, the interim pre arrest bail already granted to them on 19-06-2026, is hereby confirmed on same terms and conditions with direction to appear before trial Court.

10. Needless to say that the above observations are tentative in nature and will not prejudice the case of either party at the time of trial.

J U D G E