

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 297 of 2026

Applicants: Shah Zaman son of Badaruddin bycaste Katohar through Mr. Kashif Ali Jagirani, Advocate.

Complainant: Through Mr. Waheed Ali Samtio, Advocate.

The State Through Mr. Mansoor Ahmed Shaikh, Deputy Prosecutor General, Sindh.

ORDER. **21.09.2026.**

Suresh Kumar, J.--- Applicant named above seeks confirmation of the ad-interim pre-arrest bail granted to him by this Court vide order dated 01.04.2026, in a case bearing crime No. 70/2026, offence u/s 324, 147, 148, 149 PPC registered at Police Station Shaheed Murtaza Meerani Khairpur.

2. The brief facts of the case as depicted in the FIR are as follows: The complainant party had declared Amjad Ali, the brother of complainant Ali, as Karo, which led to animosity. On 27th February 2026, the complainant, his brother Amjad Ali, and his nephew Atif Ali arrived in Khairpur city. At approximately 9:50 p.m., upon reaching Abad Bridge, they encountered the accused: Shah Zaman, armed with a TT pistol; Aamir, also with a TT pistol; Falak Sher, wielding a hatchet; and one unknown individual. The accused stopped the motorcycle of the complainant party and issued threats. Accused Shah Zaman then fired directly at Amjad Ali with the intention to murder, striking him in the left leg and thigh, resulting in profuse bleeding. The complainant party raised cries for help, after which the accused fled the scene. With the assistance of witnesses, they proceeded to the police station, obtained a letter, and went to the hospital. Subsequently, they approached the nekwards and lodged the FIR.

3. I have heard the learned counsel appearing on behalf of the applicant/accused and learned DPG assisted by learned counsel for complainant. They both have opposed the confirmation of bail.

4. 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 FIR that the applicant/accused allegedly fired from his pistol at Amjad Ali, which instead struck Faraz on his thigh. This indicates that the injury sustained by the victim is on a non-vital part of the body and there was no repetition of fire. Therefore, the applicability of Section 324 of the Pakistan Penal Code (PPC) is yet to be determined at the time of trial after the recording of evidence. The medical certificate indicates that the injury allegedly caused by the applicant/accused has been classified as Jurh Ghair Jaifah Mutalahima, which falls within the ambit of Section 337-F(iii) PPC, punishable by up to three years, and does not fall under the prohibitory clause of Section 497(1) of the Code of Criminal Procedure (Cr.P.C.). The enmity over Karo is admitted in the FIR; therefore, mala fide on the part of the complainant cannot be ruled out. In similar circumstances, this Court has granted pre-arrest bail in the case of Nazir Ahmed vs. The State (2009 P.Cr.L.J 298), in which it was held as follows:

“---S. 498---Penal Code (XLV of 1860), Ss.324/147/149---Pre-arrest bail, grant of--Parties were inimical towards each other on account of matrimonial dispute over declaring the victim as "Karo" due to his illicit relations with his sister-in-law---Five persons had allegedly tried to cause murder of the victim and the accused was stated to have guarded the co-accused ,at the' time of occurrence while armed with a pistol---Had the accused been present at the spot, he would have killed the victim himself---Involvement of accused in the case appeared to be mala fide due to enmity and in case of refusal of pre-arrest bail he was likely to be arrested and harassed at the hands of complainant and the

police---Accused was granted bail before arrest in circumstances."

5. Similarly this Court in the case of Master Dur Muhammad and 2 others vs. The State (1994 P.Cr.L.J 1769) has been pleased to hold 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."

6. After grant of pre-arrest bail this Court vide order dated 01.04.2026, the applicant/accused has been regularly appearing before this Court as well as trial Court and he has not misused the concession of interim pre-arrest bail.

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

8. Needless to mention that the above observations are tentative in nature and will not prejudice the case of parties at the time of trial.

J U D G E