

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S-713 of 2026

Applicants: Muhammad Azam son of Jan Muhammad bycaste Ghanghro, Resident of village Pir Paro, Taluka Thari Mirwah, District Khairpur.

Crl. Bail Application No.S-715 of 2026.

1. Khan Muhammad.
2. Miandad. Both sons of Nazar Hussain.
3. Abdul Khalique.
4. Khalil Ahmed both sons of Noor Ahmed.
5. Azizullah @ Abdul Aziz son of Bahadur.
6. Khalid Hussain son of Abdul Khalique.
7. Mumtaz son of Khan Muhammad.
8. Waseem son of Khalil Ahmed.

All bycaste Ghanghro, Resident of village Pir Paro, Taluka Thari Mirwah, District Khairpur.

Through M/s Shamsuddin Ghanghro, and Abdul Samad Shar advocates.

Complainant. Abdul Latif son of Gulsher Ghanghro **through** Mr. Zulfiqar Ali Laghari, advocate.

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

Date of hearing & Orders: 22-09-2026.

ORDER.

Suresh Kumar, J--- By this common order, I intend to dispose of captioned bail applications moved separately on behalf of the above named applicants. The applicants named above seek confirmation of the ad-interim pre-arrest bail already granted to them by this Court vide order dated 24-07-2026 and 27-04-2026 arising out of one and same crime bearing No. 52/2026, offence u/s 447, 511, 506/2, 147, 149 PPC registered at Police Station Setharja, District Khairpur.

2. The facts of the prosecution case, as depicted in the FIR, are as follows: Complainant Abdul Latif lodged the FIR on 06-07-2026, alleging

that he owns agricultural land situated in Deh Chutto Wandiyar, bearing S.No. 478, 480, and 488, with a total area of 08-16 acres, of which 03-03 acres are his shares and the remaining share belongs to Khan Muhammad. A Civil Appeal No. 19/2020 was filed by the father of the complainant against Khan Muhammad Ghanghro and others, and as per the orders of the High Court, the possession of 3-32 acres from the aforementioned survey numbers was granted to him by the Assistant Commissioner. On the day of the report, he, along with his cousin Allah Warayo and Muhammad Idrees, was present on the land at approximately 7:00 AM when the accused – Khan Muhammad armed with a gun, Mian Dad with a pistol, Abdul Khaliq with a gun, Khalil Ahmed with a pistol, Abdul Aziz with a pistol, Khalid Hussain with a lathi, Mumtaz with a hatchet, Muhammad Azam with a hatchet, Waseem with a lathi, and three unidentified persons armed with lathis – arrived and pointed their weapons at the complainant party, restraining them from constructing a house on the land, threatening that they would kill the complainant party if they proceeded. Ultimately, the complainant reported the incident at the police station and lodged the aforementioned FIR.

3. The applicants initially sought pre-arrest bail from the Court of the learned Additional Sessions Judge Mirwah, which was dismissed vide order dated 21-07-2026. 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 who have strongly opposed the confirmation of interim pre-arrest bail.

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 there are general allegations of issuing threats of dire consequences against the applicants/accused, as well as allegations of trespassing and rioting. All sections applied in the FIR are bailable, except for section 506(2) PPC, which is punishable by up to seven years and does not fall within the prohibitory clause of section 497(1) Cr.P.C. It is well-settled law that bail in an offence that does not fall within the prohibitory clause of section 497

Cr.P.C. is the basic rule, while refusal is the exception. No case for refusal has been pointed out by the learned DPG. IN this regard reliance is placed on the case of *Muhammad Aziz @ Manna Vs The State* (2023 SCMR 1773).

6. Moreover, previous enmity over the land is admitted by the complainant in the FIR; therefore, malafide on the part of the complainant cannot be ruled out. After the grant of interim pre-arrest bail, the applicants/accused have been regularly attending the trial court as well as this Court, and they have not misused the concession of interim pre-arrest bail.

7. 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 the applicants vide order dated 24-07-2026 and 27-07-2026 respectively, is hereby confirmed on same terms and conditions with direction to appear before trial Court till disposal of the case. The complainant is at liberty to file cancellation of bail application, if applicants/accused misuses the concession of pre-arrest bail.

8. 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