

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl. Bail Application No.S-397 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
-----------------	-------------------------------

Applicant: Shaman Ali S/O Muhammad Bux Kandrani
Through Mr. Alam Sher Bozdar Advocate.

The State: Through Mr. Muhammad Raza Katohar D.PG.

[
Date of hearing & order: **22.09.2026.**

Suresh Kumar J:- Through this Crl. bail application applicant/accused Shaman Ali Kandrani seeks his post-arrest bail in Crime No.19/2026 for the Offences Punishable U/Ss 324,114,34 PPC registered at Police Station, Salehpat, District Sukkur.

2. Concisely, the facts of the prosecution, as depicted in the FIR, are that on 22.02.2026, complainant Ghulam Rasool Kandrani lodged an FIR at PS Salehpat, stating that due to an ongoing dispute with Imam Bux and others over matrimonial affairs, on the day of the report at 7:00 AM, he, along with his son Fida Hussain and nephew Muneer Ahmed, were on a motorcycle heading towards Salehpat town. When they arrived near Asghar Petrol Pump, they saw the accused Imam Bux, along with Shaman Ali and Muhammad Bux, who were armed with pistols and stopped them by giving a signal. On the instigation of co-accused Imam Bux, the applicant/accused Shaman Ali fired directly from his pistol at Fida Hussain with the intention to commit murder, hitting him on his right hand, causing bleeding. Upon hearing the cries and the arrival of passersby, the accused escaped from the scene of the offense. The injured was taken to Taluka Hospital and then referred to Civil Hospital Sukkur. Thereafter, complainant Ghulam Rasool appeared at PS Salehpat and registered the aforementioned FIR.

3. The applicant initially applied for grant of post arrest bail which was dismissed by learned Assistant Sessions Judge, Rohri, vide order dated

16.03.2026. Being aggrieved by this dismissal order, the applicant has approached this Court.

4. I have heard learned counsel for applicant, and learned D.P.G Sindh at length. While learned counsel for complainant chosen to remain absent. Learned D.P.G has strongly opposed the grant of post arrest bail to the applicant/accused.

5. Having given due consideration to the arguments advanced by the learned counsel for the applicant, the learned DPG, and having perused the relevant material available on record, it is revealed from the perusal of the FIR that the applicant/accused Shaman Ali allegedly fired from his pistol, which hit the injured Fida Hussain on his right hand. This injury has been declared as Ghyr Jaifah Hashimah, which falls within the ambit of Section 337-F(v) PPC and is punishable by up to five years. The record further reveals that the injury attributed to the applicant is not on a vital part of the injured, and no allegation of repeated firing has been made. Therefore, the intention to commit murder and the applicability of Section 324 PPC are to be proved at the time of trial after the recording of evidence. The alleged offense against the accused, at most, falls within the ambit of Section 337-F(v) PPC, which does not fall within the prohibitory clause of Section 497(1) Cr.P.C. In similar circumstances, the Honourable Supreme Court in the case of Muhammad Faisal v. The State and another (2020 SCMR 971) has held as follows:

---S.497(2)---Penal Code (XLV of 1860) Dd. 324 & 337-F(vi)---Constitution of Pakistan, Art.185(3) ---Attempt to commit qatl-i-amd Ghyr Jaifah Munaqillah---Bail, grant of—Further inquiry---as per persecution version contained in the FIR, through the accused had been attributed two fire shots on non-vital part of the body of injured witness, however, dimension and locate of injuries portrayed that possibility could not be ruled out that injuries were in continuation of each other. Perusal of record further reveals that the accused was discharged from hospital after one day, therefore, statement of injured witness that he had undergone surgical intervention during his hospital stay was not substantiated from the record. ---Injury ascribed to the accused had been declared falling under S.337-F(v) PPC which entailed maximum punishment of seven years. Declaration of injury was made after a lapse of eight months, during the pendency of present petition before the

Supreme Court--- Accumulative effect of all such facts and circumstances created doubt regarding truthfulness of prosecution version---Regarding the question of applicability of S.324 PPC undeniably the injuries on non vital part again a motive which was feeble in nature hence such question would be resolved by the trial Court after recording of evidence during the course of trial ---Case of the accused was one of further inquiry appeal was converted into appeal and allowed and the accused was granted bail.”

6. A similar view has also been taken by the Supreme Court in the case of Rafeed Niaz v. The State and another (2021 SCMR 1467) and by this Court in the case of Saleem Khan v. The State (1999 P.Cr.L.J 140). Furthermore, the applicant has been in custody since 24.02.2026, and his case has not yet been concluded. Bail cannot be withheld as a form of punishment.

7. For the foregoing reasons and the guidance taken from the above case law, I am of the considered view that the applicant/accused has made out his case for the grant of post-arrest bail. Consequently, the applicant/accused Shaman Ali is admitted to bail, subject to furnishing a solvent surety in the sum of Rs.100,000/- (one lac) and a PR bond in the like amount to the satisfaction of the trial court.

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.

JUDGE

Hizbullah