

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 666 of 2026

Applicant: Ghulam Asghar son of Noor Muhammad bycaste Solangi, through M/s Shabbir Ali Bozdar and Hajjan Shah Advocates.

Complainant: Through Mr. Abdul Sattar, Advocate.

The State Through Mr. Muhammad Raza Katohar, Deputy Prosecutor General, Sindh.

ORDER. **22.09.2026.**

Suresh Kumar, J.--- Applicant named above seeks confirmation of the ad-interim pre-arrest bail granted to him by this Court vide order dated 09.07.2026, in a case bearing crime No. 74/2026, offence u/s 337-F(v), F(i), A(i), 504, 337-L(ii), 147, 148, 149 PPC registered at Police Station Khambra District Ghotki.

2. The brief facts of the case as depicted in the FIR are that the dispute between complainant party and Ajmal Solangi is going on over matrimonial affairs. On 18.06.2026 complainant, his brother Ghulam Aijaz and Ghulam Abbass alias Bablo were going to their house, when at 10.00 a.m they reached near house of Haji Inayat Solangi, where accused Ajmal with lathi, Asghar with lathi, Nawaz, with lathi, Noor Hussain with lathi, Jamal with pistol, Aslam with hatchet, Shaman with gun and Nadir with lathi were standing there. Accused Ajmal abused complainant and caused lathi blow to PW Ghulam Aijaz on his nose while accused Nawaz caused lathi blow to him on his right rib and thigh. Accused Ghulam Asghar caused lathi blows to PW Ghulam Abbass on his right and left arm. Accused Noor Hassan caused lathi blows to PW Ghulam Abbass on his right leg and left buttock. Accused Aslam caused hatchet injury to PW

Ghulam Abbass on his right shoulder and other accused caused kicks and fist blows to complainant party ultimately FIR was lodged.

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 strongly 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 perusal of the FIR that the applicant/accused is allegedly assigned the role of causing lathi blows to Ghulam Abbass on his right and left arms. The injuries sustained by the injured Ghulam Abbass on his arms have been declared as other hurts and Ghary-jaifah hashimah, which fall within the ambit of section 337-L(ii) and 337-F(v) PPC, respectively. Section 337-L(ii) is bailable, while section 337-F(v) PPC is punishable by up to five years. All sections applied in the FIR are bailable, except for section 337-F(v) PPC, which does not fall under the prohibitory clause of section 497 Cr.P.C. There is a delay of three days in lodging the FIR, which has not been plausibly explained; furthermore, a matrimonial dispute between the parties is admitted in the FIR. Therefore, mala fide intention on the part of the applicant cannot be ruled out. In similar circumstances, the Honourable Supreme Court in the case of Muhammad Akhter vs. State and others (2025 SCMR 1631) has held as follows:

“---Ss. 497(2) & 498---Penal Code (XLV of 1860), Ss. 337-A(i), 337-F(i), 337-F(vi), 337-L(2) & 34---Constitution of Pakistan, Art.185(3)---Shajjah-i-khafifah, ghayr-jaifah-damiyah, munaqqilah, causin hurt, common intention---Pre-arrest bail, grant of---Further inquiry---Allegation against the petitioner was that he along with

co-accused caused fracture on the little finger of the complainant by giving blows with a wheel spanner---Legally speaking, out of the offences with which the petitioner was charged, Sections 337-F(i), 337-A(i) and 337-L(2), P.P.C., were bailable and in such like offences bail was a right, whereas, punishment of the offence under Section 337-F(vi) P.P.C. did not fall within the prohibitory clause of Section 497, Cr.P.C., and in such like offences grant of bail was a rule and refusal thereof an exception---In such view of the matter, if petitioner was denied the extra ordinary concession of pre-arrest bail, he would nonetheless be entitled to post-arrest bail, considering the nature and extent of the punishment prescribed for the offences with which he stood charged---Once the Court concluded that the accused would become entitled to post-arrest bail upon dismissal of his pre-arrest bail application, then requiring him to undergo incarceration would be a mere procedural formality devoid of any meaningful purpose---Petition was converted into an appeal and was allowed, in circumstances, and accused was granted pre-arrest bail."

Similar view has been taken by Honourable Supreme Court in the case of Muhammad Ijaz vs. The State and others (2022 SCMR 1271).

5. After grant of pre-arrest bail by this Court, 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.

6. 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.

7. 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

