

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S-317 of 2026

Applicant(s) : (i) Ghulam Shabir & (ii) Noor Hussain
through Mr. Sohail Ahmed Khoso, Advocate
along with applicants.

Complainant : Altaf Hussain through Mr. Habib-ur-Rehman
Shaikh, Advocate along with complainant.

Respondent : The State through Mr. Muhammad Raza
Katohar, Deputy Prosecutor General.

Date of Hearing : 21-09-2026
Date of Order : 21-09-2026

ORDER

TASNEEM SULTANA, J.- Through the instant Criminal Bail Application, applicants Ghulam Shabir and Noor Hussain seek confirmation of pre-arrest bail in Crime No.40 of 2026, registered at Police Station B-Section, Khairpur, for offences under Sections 324, 337-H(2) and 34, P.P.C. Their earlier application for the same relief was dismissed by the learned Additional Sessions Judge-III, Khairpur, vide order dated 30.03.2026. Hence, the instant application.

2. The detailed facts of the case are already set out in the bail application and the FIR and, therefore, need not be reproduced here.

3. Learned counsel for the applicants contended that the applicants have been falsely implicated due to a previous dispute over the plot; that political rivalry also exists between the parties; that the FIR was lodged with a delay of two days; that the prosecution witnesses are closely related to the complainant; and that no person from the locality was associated with the investigation. He further submitted that the firearm injury is on the foot, a non-vital part of the body. According to him, the case calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

4. Learned Deputy Prosecutor General for the State, assisted by learned counsel for the complainant, opposed the application and submitted that specific roles have been assigned to both applicants and are supported by the

Tasneem

medical record. It was further submitted that no mala fide or ulterior motive has been shown on the part of the complainant or police.

5. Heard. Record perused.

6. A perusal of the record shows that applicant Ghulam Shabir is alleged to have caused a firearm injury to the complainant on his foot, which is a non-vital part of the body, whereas applicant Noor Hussain is alleged to have caused a butt-blow to injured PW Abdul Haq. The medical record shows that the injury sustained by the complainant falls under Section 337-F(v), P.P.C., while the injury sustained by PW Abdul Haq falls under Section 337-H(2), P.P.C. The nature and seat of these injuries assume significance while examining whether the requisite intention or knowledge to attract Section 324, P.P.C. existed. This aspect requires determination after recording evidence at trial. The offences under Sections 337-F(v) and 337-H(2), P.P.C. do not fall within the prohibitory clause of Section 497(1), Cr.P.C. The previous dispute over the plot and political rivalry pleaded by the applicants also require consideration while examining their plea of ulterior motive. In these circumstances, the case calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

7. In this regard, reliance may be placed upon Salman Mushtaq and others v. The State through P.G. Punjab and another (2024 SCMR 14), wherein the Hon'ble Supreme Court observed as follows:—

“6.While considering the grounds agitated for enlargement on bail, whether pre-arrest or post-arrest, the atrociousness, viciousness and/or gravity of the offence are not, by themselves, sufficient for the rejection of bail where the nature of the evidence produced in support of the indictment creates some doubt as to the veracity of the prosecution case. Therefore, where, on a tentative assessment, there is no reasonable ground to believe that the accused has committed the offence, and the prosecution case appears to require further inquiry, then in such circumstances the benefit of bail may not be withheld as a punishment to the accused.....”

8. In view of the above facts and circumstances, the applicants have succeeded in making out a case for confirmation of pre-arrest bail. Consequently, the instant bail application was allowed vide short order dated 21.09.2026 and the interim pre-arrest bail granted to the applicants vide order dated 06.04.2026 was confirmed on the same terms and conditions. These are the reasons in support of the short order.

9. The observations made hereinabove are tentative in nature and shall not prejudice the case of either party at trial.


23/9/2026
J U D G E

Ahmad