

THE HIGH COURT OF SINDH, CIRCUIT HYDERABAD

Crl. Bail Application No. S-547 of 2026

[Munawar Ali and another v. The State]

Crl. Bail Application No. S-553 of 2026

[Din Muhammad and another v. The State]

Applicants by: Mr.Taimoor Ali Arain, Advocate

Complainant by: Mr.Nasrullah Khaskheli, Advocate

The State: Through Mr.Irfan Ali Talpur, Addl. P.G

Date of Hearing: **02.10.2026**

Date of Order: **02.10.2026**

ORDER

ABDUL MOBEEN LAKHO-J, Through these connected Criminal Bail Applications, applicants Munawar Ali, Akhtar Ali, Shahid Hussain, Din Muhammad and Sanaullah seek confirmation of interim pre-arrest bail in Crime No.33 of 2026, registered at Police Station Daulatpur, District Shaheed Benazirabad, for offences under Sections 324, 337-A(i), 427, 147, 148 and 506(2), PPC. Since both applications arise out of the same crime, they are being decided through this single order. Their earlier bail application was dismissed by the learned Additional Sessions Judge-II, Shaheed Benazirabad, vide order dated 30.04.2026.

2. Briefly, the prosecution case is that on 28.11.2025, the applicants and co-accused allegedly intercepted the complainant party on a link road due to a matrimonial dispute. Co-accused Waseem Ali and applicant Sanaullah allegedly caused hatchet blows to the complainant, while the remaining applicants were attributed roles of damaging the motorcycle, causing kicks and fist blows or being members of the unlawful assembly. The FIR was registered on 31.03.2026 pursuant to an order passed on an application under Section 22-A & B Cr.P.C.

3. Learned counsel for the applicants contended that the FIR was lodged after delay of about four months without satisfactory explanation; that the admitted matrimonial dispute provides a motive for false implication; that the injury sustained by the complainant has finally been

declared under Section 337-A(i), PPC; and that co-accused Waseem Ali, who has been assigned the principal role of causing a hatchet injury, has already been admitted to post-arrest bail by the learned trial Court.

4. Learned D.P.G., assisted by learned counsel for the complainant, opposed the applications on the ground that the applicants are nominated in the FIR with specific roles and the allegations are supported by the medical evidence.

5. I have heard learned counsel for the parties and perused the material available on record.

6. Tentative assessment reflects that the occurrence allegedly took place on 28.11.2025, whereas the FIR was registered on 31.03.2026 after about four months. The admitted matrimonial dispute between the parties, coupled with such considerable delay, begs the question of mala fides, deliberations and a matter requiring further inquiry. Moreover, the final medical certificate declares the injuries as *Shajjah-i-Khafifah* under Section 337-A(i) PPC, carrying punishment up to two years. Whether Section 324, PPC, is attracted in the circumstances, particularly when the medical evidence reflects injuries of the aforesaid nature, is a question to be determined at trial.

7. More importantly, co-accused Waseem Ali, to whom the principal role of causing a hatchet blow on the complainant's head was assigned has already been granted post-arrest bail by the learned Additional Sessions Judge-II, Shaheed Benazirabad, vide order dated 18.07.2026. The cases of the present applicants are not distinguishable on any material ground and in some respects, rest on lesser allegations. The principle of consistency, therefore, applies. In **Muhammad Aziz alias Mana v. The State and others (2023 SCMR 1773)**, the Honourable Supreme Court held that where co-accused had already been granted post-arrest bail, arresting an accused seeking pre-arrest bail would serve no useful purpose if the accused would thereafter become entitled to bail on the rule of consistency. It was further reiterated that, in offences not falling within the prohibitory clause, grant of bail is the rule and refusal an exception.

8. The applicants have joined the investigation and no misuse of interim relief has been alleged. In the above circumstances, no useful purpose would be served by recalling the protection already extended to them.

9. Consequently, both Criminal Bail Applications are allowed and the interim pre-arrest bail earlier granted to applicants Munawar Ali, Akhtar Ali and Shahid Hussain vide order dated 06.05.2026 and to the applicants Din Muhammad and Sanaullah vide order dated 07.05.2026 is hereby confirmed on the same terms.

10. The observations made hereinabove are tentative in nature and shall not influence the learned trial Court while deciding the case on merits.

Office to place copy of this order in connected bail application.

JUDGE

AHSAN K. ABRO