

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl. Bail Application No.S-781 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicants: 1.Muhammad Ashal @ Ashal
2.Athar Ali @ Manshab both sons of Juman Ujjan
Through Mr.Zulfiquar Ali Raper, Advocate.

The State: Through Mr. Shafi Muhammad Mahar, D.PG.

Complainant: Meer Muhammad S/O Muhammad Alam Ujjan
Through Mr. Athar Ali Mirani Advocate.

Date of hearing & order: 08.10.2026.

Suresh Kumar J:- Through instant Criminal Bail Application U/S 498 Cr.P.C applicants/accused above named seek their confirmation of ad-interim pre arrest bail in Crime No.115/2026 for the Offences Punishable U/Ss 506/2, 337-A(i) 337-F(i), 147, 148,149 PPC registered at Police station Tando Masti Khan District Khairpur.

2. The facts of the prosecution, as depicted in the FIR, are that on 30.06.2026, the complainant, Meer Muhammad Ujjan, lodged an FIR at the aforementioned police station. He stated that on 13.05.2026, he, his son Aamir Ali, his brother-in-law Parvez Ahmed, and other family members were sitting in their house. At approximately 5:00 PM, the applicants/accused Ashal and Manshab, along with other accused individuals, arrived at the location. The applicant/accused Ashal struck the complainant on the head and back with a lathi, while the applicant/accused Manshab delivered a lathi blow to the complainant's left arm. Additionally, other accused individuals inflicted kicks and punches upon the complainant. Subsequently, the FIR was lodged by the complainant as per the direction of the Ex-Officio Justice of Peace, Khairpur.

3. The applicants/accused initially approached before the Court of Sessions Judge, Khairpur, for grant of pre-arrest bail, which was dismissed

by learned Addl. Sessions Judge-1/MCTC, Khairpur vide order dated 15.07.2026 . Being aggrieved by this dismissal order, the applicant has approached this Court.

4. I have heard learned counsel for applicant, Learned counsel for complainant and learned D.P.G Sindh. Learned D.P.G concedes the arguments advanced by learned counsel for applicant as injuries sections are bailable, while section 506/2 PPC is yet to be determined at the time of trial, while learned counsel for complainant has strongly opposed the confirmation interim pre arrest bail to the applicant/accused.

5. Having given due consideration to the arguments advanced by the parties' counsel and having perused the material available on record, it is revealed from the perusal of the FIR that the applicant/accused Ashal allegedly caused a lathi blow to the complainant, Meer Muhammad, on his head and back. According to the MLC, the alleged injury sustained by him on the back of the head is classified as Shujja-i-Khafifah, which falls under Section 337-A(i) of the PPC, a bailable section. Meanwhile, the injury caused by the applicant/accused Manshab to the complainant's left arm has been classified as Other Hurts, which falls under Section 337-H(ii) of the PPC, also a bailable section. All the sections applied in the FIR are bailable, except for Section 506/2 of the PPC, which is punishable by up to 7 years and does not fall within the ambit of the prohibitory clause of Section 497(1) of the Cr.P.C. In the similar circumstances, the Honourable Supreme Court in the case of Muhammad Akhtar v. The state and others (2025 SCMR 1631) has held as under:

“---S.497(2)& 498---Penal Code XLV of 1860) Ss.337-A(i),337-F9i) 337-F(vi) 337-L(2) & 34---Constitution of Pakistan Art.18593) ---Shaujjah-i-Khafifah ghayr-jaifah—damihayh, munaqqilah, causing 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 offence with which the petitioner was charged, Section 337-F(i) 337-A(i) – and 337-L(2) PPC were bailable and in such like offence bail was a right ,whereas, punishment of the offence under Section 337-(vi) PPC 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 prosoed arrest bail, conserving the nature and extent of the punishment prescribed for the offences with which he stood charge---once the Court concluded that the accused would become entitled to post arrest bail upon dismissed 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.”

6. Moreover, there is a delay of 17 days in lodging the FIR; therefore, due deliberation and consultation cannot be ruled out. Furthermore, an earlier dispute is acknowledged in the FIR, which suggests mala fide on the part of the complainant. Additionally, after the grant of ad-interim pre-arrest bail, the applicants/accused have been regularly appearing before this Court as well as the trial Court and have not misused the concession of ad-interim pre-arrest bail.

7. For the foregoing reasons I am of the considered view that the applicants/accused have made out a case for the confirmation of interim pre-arrest bail. Therefore, the interim pre-arrest bail granted to the applicants/accused on 19.08.2026 is confirmed on same terms and conditions, with a directions to appear before the trial court till final disposal of the case.

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