

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl. Bail Application No.S-363 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicants: 1. Abid Hussain
2. Sajid Hussain
3. Majid Hussain all sons of Qabool Ahmed
Through Mr. Nadir Ali Chachar, Advocate.

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

Complainant: Zaheer Ahmed S/O Allah Dino Mahar, **Through Mr. Anwar Ali Lohar, Advocate.**

Date of hearing & order: **07.10.2026.**

Suresh Kumar J:- Through instant Criminal Bail Application, applicants/accused above named seek their confirmation of ad-interim pre arrest bail in Crime No.11 /2026 for the Offences Punishable U/Ss 452,114, 324, 337-F(i), 506/2, 337-H(ii), 147,148,149 PPC, registered at Police station Sarhad District Ghotki.

2. The facts of the prosecution, as depicted in the FIR, are that on 24.03.2026, the complainant Zaheer Ahmed Mahar lodged an FIR with the aforementioned police station, stating that due to an ongoing dispute over land, on 24.03.2026, at 18:30 hours, the complainant, along with his father Allahdino and brother Sakhawat Hussain, were in their house. Meanwhile, the applicants/accused, along with co-accused, entered and gave hakals. Accused Ghulam Hussain caused a hatchet blow to Sakhawat on his head, while applicant/accused Abid Hussain allegedly caused a hatchet blow to the injured Sakhawat Hussain on his hand. Co-accused Qabool caused a lathi blow to Sakhawat on his right leg at the knee and shoulder, while applicant/accused Sajid Hussain caused a lathi blow to the complainant Zaheer Ahmed on his abdomen. Thereafter, the complainant party called upon Almighty Allah to witness the actions of the accused persons, after which all the accused went away while issuing threats of murder. The complainant then appeared at the police station, where he lodged the FIR, as

stated above. Earlier, they had filed pre-arrest bail application No. 641/2026 of a similar nature before the learned Sessions Judge, Ghotki, which was dismissed via order dated 22.04.2026 by the learned Additional Sessions Judge-I (MCTC), Ghotki. Being aggrieved by the said dismissal order, the applicants have approached this Court.

3. I have heard learned counsel for applicants, Learned counsel for complainant and learned D.P.G Sindh assisted by learned counsel for complainant. Learned D.P.G, for State and learned counsel for complainant have strongly opposed the confirmation interim pre arrest bail to the applicants/accused.

4. Having given due consideration to the arguments advanced by the parties' counsel and perused the material available on record, it is revealed from the perusal of the FIR that applicant/accused Abid Hussain allegedly caused a hatchet blow to the injured Sakhawat Hussain on his hand, and co-accused Ghulam Hussain caused a hatchet blow to his head. Meanwhile, applicant/accused Sajid Hussain caused a lathi blow to the injured/complainant Zaheer on his abdomen. The injury allegedly caused by applicant Sajid Hussain to injured Sakhawat has been declared as Ghayr Jaifa Hashimah, which falls within the ambit of section 337-F(v) and is punishable by up to five years, while the injury attributed to applicant/accused Sajid Ali has been declared as other hurts, which is a bailable offence. The injuries attributed to the present applicants/accused are on non-vital parts of the body; therefore, the applicability of section 324 PPC is yet to be determined at the time of trial after the recording of evidence, while the other sections applied in the FIR/challan do not fall within the ambit of the prohibitory clause of section 497(1) Cr.P.C. In this regard, reliance is placed upon the case of Khalil Ahmed Soomro v. The State (2017 PLD SC 730) in which it has been held as under:

(a) Criminal Procedure Code (V of 1898) ---S.497, S.498: Constitution of Pakistan---S.Art.185(3) Penal Code (XLV of 1860) S.337-A(i),S.337-F(i) 337-F(vi),S.337-L(2),S.504---Grant of pre-arrest bail in offences no falling within the prohibitory clause. Pre-arrest bail was granted as the offence did not fall within the prohibitory clause, declining pre arrest bail would be technical and circumstances suggested the complainant's mala fide.

Where offences are bailable post arrest and allegations appear exaggerated to create a harsher penal scenario, the element of mala fide may be inferred, justifying pre arrest bail."

5. Similar view has taken by this Court in the case of Ghulam Rasool v.The State (2022 MLD 1088), wherein observed as under:

---S.498---Penal code(XLV of 1860) Ss 324,337A(ii) 147,148,149 337-H(ii) & 504 PPC---Attempt to commit qatl-i-amd, Shujjah-i-Mudiah hurt by rash or negligent act, rioting armed with deadly weapon, common object, abettor present when offence committed, intentional insult with intent to provoke breach of the peace---Pre-arrest bail, grant of---Further enquiry---Accused sought pre arrest bail in an FIR register under S. 324,337A(ii) 147,148,149 337-H(ii) & 504 PPC---Accused was admitted to pre arrest bail on an earlier date and the mater was fixed for confirmation of the said order---No complaint of misuse of concession of bail or tampering the record was pointed out---accused was regularly appearing in the case before the High Court as well as Trial Court, which fact was clear from the record---No motive was alleged against the accused for commission of the offence---prima facie, case against accused appeared to be doubtful benefit of which would go to the accused---Case of accused was one of further inquiry---interim pre arrest bail granted to the accused was confirmed, in circumstances".

6. Further reliance is place on the case of Syed Qurban Ali Shah and another v. The State (2025 YLR 246) and Mumtaz Ali vs. The State (2020 MLD 1841).

7. Moreover, previous dispute is admitted in the FIR therefore, mala fide intention on the part of complainant can not be ruled-out. Even otherwise, the applicants/accused have been regularly attending this Court so also joined the trial Court and they have not mis-used the concession of ad-interim pre arrest bail.

8. For the foregoing reasons and the guidance taken from the above case law, 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 30.04.2026 is

confirmed on same terms and conditions, with a directions to appear before the trial court.

9. 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