

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 519 of 2026

Applicants: Hajjan son of Makan bycaste Bhanbhro,
through Mr. Tabbasum Raza Rajper,
Advocate.

Complainant: Through Mr. Humail Rafi Mahesar,
Advocate.

The State Through Mr. Shafi Muhammad Mahar,
Deputy Prosecutor General, Sindh.

Date of hearing & Order: 12.10.2026.

ORDER.

Suresh Kumar, J.--- Applicant named above seeks confirmation of the ad-interim pre-arrest bail granted to him by this Court vide order dated 02.06.2026, in a case bearing crime No. 61/2026, offence u/s 337-F(v), 337-A(i), 337-F(i), 337-H(2), 504, 147, 148, 149 PPC registered at Police Station Sorah District Khairpur Mir's.

2. The brief facts of the case, as depicted in the FIR, are that on 01.05.2026, the complainant, Pervez Ali, lodged an FIR stating that the applicant/accused, Hajjan, allegedly inflicted a hatchet blow to the father of the complainant, which struck his right and left arms. There are also general allegations of causing injury to a co-accused. Furthermore, it is alleged in the FIR that the incident occurred on 27.04.2026, while the FIR was lodged on 01.05.2026, following the receipt of the final medical certificate.

3. I have heard the learned counsel appearing on behalf of the applicant/accused and the learned Deputy Prosecutor General (DPG), assisted by the learned counsel for the complainant. The learned counsel for the complainant has relied upon the unreported cases in Criminal Bail Application No. S-234 of 2023, Raheem Bux vs. State, and in Criminal Bail

Application No. S-143 of 2025, Shabbir Ahmed vs. The State, passed by this Court.

4. Having given due consideration to the arguments advanced by the counsel for the respective parties, I have perused the relevant material. From the perusal of the FIR, it reveals that the alleged incident took place on 27.04.2026, while the FIR was lodged on 01.05.2026; thus, there is an inordinate delay of four days in lodging the FIR for which no plausible explanation has been furnished. Therefore, consultation and deliberation cannot be ruled out. Moreover, the applicant/accused, Hajjan, allegedly caused injury to the right and left arms of the father of the complainant, which has been declared as Ghayr-Jaifah Hashmiya. The said section is punishable under 337-F(v) PPC, which carries a punishment of up to five years and does not fall under the prohibitory clause of section 497(1) Cr.P.C. A previous dispute over the land is admitted in the FIR; therefore, mala fide intention on the part of the complainant cannot be ruled out. In similar circumstances, the Honourable Supreme Court, in the case of Muhammad Aijaz vs. State (2022 SCMR 1271), has held as follows:-

“(a) Criminal Procedure Code (v of 1898)--- S. 498, S.497(2), Penal Code (XLV of 1860)---S.337A(i), S. 337-F(vi), S. 34; Constitution of Pakistan – S.185(3) – Pre-arrest bail and further enquiry on fracture injury. The petitioner’s case showed enough doubt regarding the prosecution’s version due to FIR delay, unexplained injuries and possible malafide, thus falling under further enquiry warranting pre-arrest bail. Where material factors indicate possible false implication and require further enquiry under section 497(2) Cr.P.C, pre-arrest bail may be granted, benefit of doubt can be extended at bail stage”.

5. Similarly Honourable Supreme Court in the case of Khalil Ahmed Soomro vs. State has been pleased to held as under:-

“ Pre-arrest bail was granted as the offences did not fall within the prohibitory clause, declining pre-arrest bail would be technical and circumstances suggested the complainant’s malafide. Where offences areailable post arrest and allegations appear exaggerated to create a harsher penal scenario, the element of malafide may be inferred, justifying pre-arrest bail.”

6. After grant of ad-interim pre-arrest bail applicant/accused has been appearing before this Court and trial Court and he has not misused the concession of bail.

7. With due respect and regard to the unreported case laws cited by the counsel for the complainant, the facts and circumstances of the said unreported case laws are distinguishable; therefore, they are not applicable in the present matter.

8. 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.

9. 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