

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
MIRPURKHAS**

Cr. Bail Application No.S-494 of 2026

Applicant: Saifullah son of Abdul Ghafoor
Through Mr. Afzal Karim Virk, advocate

Complainant: Ashique Hussain present in person.

Respondent The state through Mr. Neel Parkash, learned
D.P.G.

Date of Hearing: 12.10.2026

Date of Order: 12.10.2026

ORDER

Nisar Ahmed Bhanbhro, J: By means of the instant application, the applicant Saifullah son of Abdul Ghafoor seeks post-arrest bail in crime No.170/2026 for offence under Section 324, 337-F(iii), 109, 34 PPC registered at police station, Sanghar. Applicant's bail plea was declined by Learned Additional Sessions Judge Sanghar vide its order dated 24.08.2026.

2. The facts, as narrated in the FIR are that on 23.06.2026 Complainant party were going towards hospital for treatment of their mother Islam Khatoon, when at about 1800 hours they reached near Central Prison, the accused every one namely Saifullah, Sanaullah and one unknown accused intercepted them. On instigation of co-accused, the applicant/accused Saifullah made fir shot upon complainant with intention to commit his murder but the same missed, accused again fired which hit injured Sajjad over his right leg. Accused persons fled away, an information was conveyed to police, wherein instant FIR was recorded. The bail of the applicant/accused was declined by the learned Additional Sessions Judge-I Sanghar, on the ground that the offence alleged against accused fell under Section 324 PPC

and was punishable with imprisonment for up to ten years and attracted the prohibitory clause of Section 497 Cr.P.C.

3. Learned Counsel for the applicant contended that there is delay of 4 days in registration of FIR. The injury so sustained by the injured was on non vital part of the body, therefore, intention to kill required determination through evidence. He contended that parties were at daggers drawn due to a matrimonial dispute as applicant/accused was brother in law of the complainant. He contended that no such incident as alleged took place but FIR was maneuvered to settle the scores of enmity.

4. Learned DPG has opposed the grant of bail and submitted that applicant was assigned specific role for causing fire arm injury to injured Sajjad. Offence alleged fell within the prohibitory clause of Section 497 Cr.P.C, witnesses have supported the prosecution case in their statement recorded by Investigation Officer under section 161 Cr.P.C., he therefore prayed for dismissal of the bail application.

5. Heard arguments of Applicant/accused and Learned DPG for state and complainant person. Admittedly, there is a delay of four days in the registration of the FIR, no explanation is on record in that regard, particularly when the complainant party approached the police station on the very day of incident. The parties are related to each other and complainant has admitted the enmity over matrimonial affairs. The alleged injury was sustained over leg which was not a vital part of the body, and falls within the ambit of Section 337-F(iii) PPC, which carries maximum punishment of three years' imprisonment and does not fall within the prohibitory clause of Section 497 Cr.P.C. Furthermore, no recovery has been effected from the applicant/accused. Applicant / accused is also not required for further

investigation. In these circumstances, further incarceration of the applicant/accused would serve no useful purpose.

6. Accordingly, and in view of above, the bail application is allowed and the applicant/accused Saifullah son of Abdul Ghafoor is admitted to post-arrest bail, subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees fifty thousand only) and personal bond in the like amount to the satisfaction of the learned trial Court.

7. It is clarified that the observations made herein are tentative in nature and confined strictly to the disposal of the instant bail application; they shall in no manner be construed as an expression of opinion on the merits of the case and shall not fetter the independent determination to be arrived at by the trial Court upon conclusion of trial.

JUDGE

“Chander Kumar”