

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Criminal Bail Application No.S-797 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicant: Shahzado S/O Khan Muhammad Indhar
Through Mr.Yameen Ali Khoso, Advocate.

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

Date of hearing & order: **15.10.2026.**

Suresh Kumar J:- Through instant Criminal Bail Application U/S 498 Cr.P.C, the applicant/accused Shahzado Indhar, seeks confirmation of his ad-interim pre-arrest bail earlier granted vide order dated 25.08.2026, in Crime No.18 /2021 for the offences punishable U/Ss 147, 149, 504,324, 506/2 PPC registered at Police station Catt. District Sukkur.

2. The facts of the prosecution, as depicted in the FIR, are that on 10.05.2021, the complainant Nizamudin Indhar lodged an FIR with PS Cantt. stating that, due to enmity arising from the lodging of FIR No. 36/2020 under Section 302 PPC by Noor Hassan, the accused had been issuing threats to withdraw from the murder case. On 06.05.2021, the complainant, along with his cousin Bilawal and Ahmed Ali, was traveling on a motorcycle to Sultanpur at 0640 hours when the accused Noor Hassan, armed with a pistol, Zameer Hussian with a lathi, Shahzado with a pistol, Ahsaan with a lathi, and one unknown accomplice arrived in a car. They stopped the complainant's party, and during this encounter, Noor Hassan used abusive language and fired at Bilawal, hitting him. Subsequently, the applicant/accused Shahzado fired directly at Bilawal, injuring him on his left lower leg. Upon hearing the cries, the accused fled the scene. The injured was then taken to the hospital, after which the complainant returned to the police station to lodge the FIR.

3. The applicant/accused initially approached the Court of Sessions Judge, Sukkur, for the grant of pre-arrest bail, which was dismissed by the learned Additional Sessions Judge, Pano Aqil, vide order dated 16.06.2026.

Being aggrieved by this dismissal order, the applicant/accused has approached this Court.

4. I have heard learned counsel for applicant, and learned D.P.G Sindh. Learned D.P.G strongly opposed the confirmation of ad interim pre arrest bail to the applicant/accused. Though the complainant was served with the notice but he has chosen to remain absent.

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 allegedly fired upon the injured Bilawal, hitting him on his left lower leg. This injury has been declared by the Medical Officer as Jurah Ghayr Jaifah Hashimah, which falls under Section 337-F(v) PPC, carrying a punishment of up to five years. Further perusal of the FIR indicates that the incident took place on 06.05.2021, and the FIR was lodged on 10.05.2021, for which no plausible explanation was furnished by the complainant. The explanation provided by the complainant is not plausible, especially considering that the police was allegedly approached by the complainant on the very first day of the incident; but FIR was lodged after four days, therefore, due deliberation and consultation cannot be ruled out. Moreover, the alleged injury sustained by the injured Bilawal on his left lower leg is to a non-vital part of his body; thus, the applicability of Section 324 PPC is yet to be determined at the time of trial, and the case of the applicant/accused falls within the ambit of further inquiry. In the similar circumstances the Honourable Supreme Court in the case of Jamaluddin and another v. the state **(2023 SCMR 1243)** has held as under:

“---Ss.497(2)&498---Penal Code(XLV of 1860), Ss.324 148 & 149--- Constitution of Pakistan, Art.185(30---Murderous assault with fire arm---Ad-interim pre-arrest bail, confirmation of ---Bail, grant of --- Further inquiry---First information Report was lodged after an inordinate delay of about three days---Only explanation put forth by the complainant was that firstly they got the police letter for treatment from Civil Hospital and after the treatment they lodged the FIR--- However, this explanation did not seem to be impressive, especially

when the Police was allegedly approached the complainant on the very first day----Complainant and the injured prosecution witness received injuries on the non vital parts of the body and the accused and co accused did not repeat the fire despite having ample opportunity to do so----In this view of the the matter, the question whether section 324 PPC would be applicable in the case or not would be determined by the Trial Court after recording of evidence ---Case of the accused and co accused squarely fell within the ambit of section 497(2) Cr.P.C entitling for further enquiry into their guilt---Petitioners for leave to appeal were converted into appeals, and allowed, ad interim pre arrest bail granted to the accused was confirmed, whereas the co accused was admitted to post arrest bail”.

6. The learned DPG has opposed the application on the grounds that the accused had remained absconding for more than five years. However, the learned counsel for the applicant has explained that the applicant/accused was unaware of the FIR. It is well-settled law that bail cannot be refused solely on the grounds of absconding; otherwise, the applicant has made out a case for bail on merits. In this regard, reliance is placed upon the case of **Gul Nawab v. The State through A.G. Khyber Pakhtunkhwa and another (2022 SCMR 547)**. Moreover, previous enmity is admitted in the FIR; therefore, mala fide on the part of the complainant cannot be ruled out under the circumstances. Furthermore, after the grant of ad-interim pre-arrest bail, the applicant/accused has been regularly appearing before the trial court as well as this Court and has not misused the concession of ad-interim pre-arrest bail.

7. For the foregoing reasons and guidance taken from the above cited case law, I am of the considered view that the applicant/accused has made out his case for the confirmation of ad-interim pre-arrest bail. Therefore, the ad-interim pre-arrest bail earlier granted to the applicant/accused on 25.08.2026 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

Hizbullah/PA.