

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**Crl. Bail Application No. S- 847 of 2026**

Applicants: Abdul Jabbar son of Khuda Bux bycase Hingoro **through Syed Mohsin Ali Shah, Advocate.**

The State **Through** Mr. Muhammad Raza Katohar, Deputy Prosecutor General, Sindh.

ORDER.
19.10.2026.

Suresh Kumar, J.--- The applicant named above seeks confirmation of the ad-interim pre-arrest bail granted to him by this Court via order dated 04.09.2026, in a case bearing crime No. 42/2026, for offences under sections 452, 506/2, 337-A(i), 337-L(ii), 147, 148, and 149 of the Pakistan Penal Code (PPC), registered at Police Station Kumb, District Khairpur.

2. The brief facts of the case, as depicted in the FIR, are that the applicant/accused, armed with a hatchet and accompanied by co-accused, in furtherance of their common objective, caused a hatchet blow to Mst. Razia, the wife of the complainant, which struck her on the head. Thereafter, the complainant received a letter from PS Kumb and went to Taluka Hospital Kotdiji, and was later referred to Civil Hospital Khairpur for treatment, ultimately leading to the lodging of the FIR.

3. I have heard the learned counsel appearing on behalf of the applicant/accused and learned DPG for State. Complainant is called absent.

4. Having given due consideration to the arguments advanced by the counsel for the respective parties and having perused the relevant material, it is revealed from the perusal of the FIR that the applicant/accused Abdul Jabbar has been assigned the role of causing a hatchet blow to Mst. Razia, and such injury has been declared as Shujjah-e-khafifah, which falls within the ambit of section 337-A(i) of the Pakistan Penal Code (PPC) and carries a punishment of two years, making it a bailable offence. Moreover, co-accused Qurban Ali, who has also been assigned the same role of causing a hatchet blow to Mst. Razia, has been granted bail after arrest by the learned Civil Judge & Judicial Magistrate-I

Kotdiji. It is well-settled law that bail before arrest cannot be refused merely on the absence of the technical ground of mala fide if, otherwise, the applicant/accused has made out a case for bail after arrest on merit. In this regard, reliance is placed upon the case of Muhammad Ramzan versus Zafarullah (1996 SCMR 1380), in which it has been held as follows:-

“ The Court declined to cancel the bail, noting that respondent’s case was indistinguishable from co-accused already on bail; cancelling pre-arrest bail on technical grounds would be futile as he would likely be granted post arrest bail on the ground of priority.

No useful purpose is served by cancelling pre-arrest bail on technical grounds if the accused, being similarly placed to co-accused already on bail, would immediately be entitled to post arrest bail.”

5. Previous dispute over land is admitted in the FIR. Even otherwise, the applicant/accused has been regularly appearing before this Court as well as trial and he has not misused the concession of bail.

6. 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.

7. 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

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