IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.

Crl. Bail Application No.S-767 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE

Applicants: (1). Soomar,
(2). Zulfiqar,
(3). Abdul Fattah, all sons of Rehmatullah by caste Solangi.
Through M/S Zulfiquar Ali Panhwar & Muhammad Qayyum Arain,Advcoate(s).

Complainant: Sadam Hussain S/O Ghulam Qadir Solangi
Through Mr. Raja Shahid Hussian Solangi Advocate.

The State: **Through Mr. Muhammad Raza Katohar,D.PG**.

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Date of hearing & order: **03.11.2026**.

Suresh Kumar J:- Through instant Criminal Bail application applicants/accused Soomar, Zulfiquar and Abdul Fatah all by caste Solangi, seek their pre-arrest bail in Crime No.134 /2026, Offences punishable U/Ss 324, 504, 148,149, PPC, registered at Police Station, Bhiriya City District Naushahro Feroze..

2. The facts of the prosecution, as depicted in the FIR, are that the complainant, Sadam Hussain Solangi, lodged the FIR on 03.08.2026 at 0200 hours. In the FIR, it is stated that, due to an old enmity, on 02.08.2026 at 09:15 PM, the applicants/accused, along with two unknown culprits armed with deadly weapons, intercepted the complainant, his brother Rashid Ali, and his cousin Gulshan while they were riding a motorcycle on Jalbani Road. The accused, Soomar and Zulfiquar, fired from their gun and pistol, respectively, hitting PW Rashid Ali and PW Gulshan. Upon hearing their cries and the arrival of bystanders, the accused fled the scene. The injured were subsequently taken to the hospital, after which the complainant lodged the FIR at PS.

3. The applicants/accused initially applied for grant of pre arrest bail, which was declined by learned 3rd. Addl. Sessions Judge, Naushahro Feroze vide order dated 08.08.2026. Being aggrieved by this dismissal order, the applicants have approached this Court.

4. I have heard learned counsel for applicant, and learned D.P.G Sindh at length assisted by learned counsel for complainant. The Learned D.P.G and learned counsel for complainant have strongly opposed the confirmation of interim pre arrest bail to the applicants/accused. Learned counsel for applicants/accused has relied upon the case of Noman Khan and others v. The State (2025 MLD 1196), case of Muneer Ahmed and 2 others v. The State (2025 YLR1954) & case of Wahid Khan and another v. The State (2025 MLD 938), while learned counsel for complainant has relied upon the case of Bilal Khan v. The State and others (2020 SCMR 937) & case of Muhammad Imran v. The State and others (PLD 2021 Supreme Court 903).

5. Having given due consideration to the arguments advanced by the learned counsel for the respective parties and having perused the relevant material available on record, it is revealed from the perusal of the FIR that the applicants/accused, Soomar and Zulfiquar, have been assigned the role of general allegations of firing upon the complainant party, resulting in two persons sustaining firearm injuries. The injury sustained by the injured Rashid Ali is on his right shoulder, which has been declared as Ghyr Jaifah Muatalahima and falls within the ambit of Section 337-F(iii) PPC, while the injury sustained by the injured Gulshan is on his left thigh, which has been declared as Ghayr Jaifah Damihah and falls within the ambit of Section 337-F(i) PPC. Both injuries are punishable by up to three years and do not fall within the ambit of the prohibitory clause of Section 497(1) Cr.P.C. Furthermore, the accused Abdul Fattah has been assigned no role in the firing.

The FIR further reveals that the incident took place on 02.08.2026 at 09:15 PM, while the FIR was registered on 03.08.2026 at 0200 AM. This delay of

five hours has not been plausibly explained by the complainant. The record further reveals that the complainant disclosed that he initially approached the police station for a treatment letter and thereafter lodged the FIR; however, the complainant was not injured, and no one prevented him from lodging the FIR against the nominated accused promptly. Therefore, due deliberation and consultation cannot be ruled out. Moreover, the injuries sustained by both injured parties are on non-vital parts of their bodies, and no allegations of repetition are made. Therefore, the applicability of Section 324 PPC is yet to be determined at the time of trial after recording the evidence of witnesses. In the similar circumstances the Honourable Supreme Court in the case of Jamaluddin and another v. the state **(2023 SCMR 1243)** has held at para No.6 as under:

> "6…There is no denial to this fact that the FIR was lodged after an inordinate delay of about three days. The only explanation put forth by the complainant is that firstly they got the Police letter for treatment from Civil Hospital and after the treatment they lodged the FIR. However, this explanation does not seem to be impressive, especially when the Police was allegedly approached by the complainant on the very first day. The complainant and the injured PW received injuries on the non-vital parts of the body and the petitioners did not repeat the fire despite having ample opportunity to do so. In this view of the matter, the question whether section 324, P.P.C. would be applicable in the case or not would be determined by the learned Trial Court after recording of evidence."

6. Further reliance is placed upon the case of Noman Khan and others v. The State (2025 MLD 1196), case of Muneer Ahmed and 2 others v. The State (2025 YLR1954) & case of Wahid Khan and another v. The State (2025 MLD 938).

7. Previous enmity is admitted in the FIR, therefore mala fide on the part of complainant can not be ruled out. After grant of interim pre arrest bail the applicants/accused have been appearing before trial Court as well as this court and they have not mis-used the concession of interim pre-arrest bail.

8. With due respect and regard to the case law cited by the learned counsel for complainant, but the facts and circumstances of said case law are quite distinguishable to the facts and circumstances of this case, therefore the same are not applicable in this case.

9. 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 12.08.2026 is confirmed on same terms and conditions, with a directions to appear before trial Court till final disposal of the case.

10. 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.

J U D G E

Hizbullah