

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Present;

Mr. Justice Jawad Akbar Sarwana.

Cr. Bail Application No.S-652 of 2026.

[Dhuwan alias Qawwali Vs. The State]

Applicant : Dhuwan alias Qawwali **Through** Mr. Noman Ahmed Laghari, Advocate.

Complainant : Nadeem **through** Mr. Haji J.Muhammad & Mrs. Ghulam Fatima Khan, Advocates.

Respondent : The State **through** Mr. Irfan Ali Talpur, Deputy Prosecutor General, Sindh.

Date of Hearing : 04.08.2026.

Date of Decision : 19.08.2026.

ORDER

JAWAD AKBAR SARWANA, J :- The Applicant/accused Dhuwan alias Qawwali s/o Piran seeks post-arrest bail in Crime No.130 of 2026, registered under Sections 324, 504, 34 PPC at PS Hali Road, Hyderabad, after his post-arrest bail was denied vide order dated 14.05.2026 passed by the Additional Sessions Judge-II, Hyderabad in Cr. Bail Application No.1326 of 2026.

2. The background of the matter as set out in the FIR for the sake of brevity is not reproduced and may be read into this paragraph ad seriatim.

3. At the outset, counsel for the applicant/accused submitted that it was an admitted position, as the applicant himself declared in the FIR, that the complainant and the applicant/accused had a prior dispute regarding the discharge of sewerage/water flowing out into the residential area. For this reason, he contended that the complaint was malafide. Additionally, counsel argued that the injury allegedly caused by the applicant/accused, as recorded in the final MLC, was under Section 337F(i) PPC, which is bailable and prescribes only one year's punishment. Counsel contended that there were no witnesses present at the scene of the crime and that the entire case of the complainant was false and fabricated. He further contended that the

applicant/accused had been in custody for almost seven (07) months till date and the investigation stood completed.

4. Learned counsel for the complainant vehemently opposed the contentions of the applicant/accused and submitted that as per the MLC, the injury sustained by the victim was through a sharp cutting weapon and had caused a skin-deep wound on the back of the neck. He further contended that the injury caused to the son of the complainant, Rameshwar, was also witnessed by the neighbour of the complainant, namely Sono, who corroborated the allegations. Therefore, the applicant/accused was not at all entitled to the concession of bail.

5. Heard learned counsel for the applicant/accused, complainant and Deputy Prosecutor General. It is apparent from the FIR that although the incident took place on 03.05.2026 at 2145 hours, the FIR was lodged on 06.05.2026 at 1830 hours. This is a considerable delay, even if one discounts the time for the complainant to attend to his son's injury. No reasonable explanation has been given as to why and how it took the complainant almost three days to report the alleged crime to the police. This delay creates doubt, which goes in favour of the present applicant/accused, and warrants further investigation at this stage when deciding the post-arrest bail application. Additionally, the parties are already disputed, thereby supporting the plea of further enquiry. It is also unusual to note that although the alleged incident took place on 03.05.2026, yet when the I.O visited the place of incident on 06.05.2026 at 1950 hours, the alleged weapon, which is the knife allegedly used by the applicant/accused in the commission of the crime, was still lying on a public road. This aspect also entails further inquiry, as it does not appeal to logic how the crime weapon could be found almost three days after the date of the incident, remaining lying untouched on a public road. The issue requires evidence during trial. Further, whether the intensity of the injury makes out a case that meets the ingredients of attempt to murder under Section 324 Cr.P.C can only be determined by the Trial Court after recording evidence. Additionally, as per the Deputy Prosecutor General, there is no CRO of the applicant/accused and the investigation also stands completed.

6. Given the above, in the facts and circumstances of the case, the grounds of concession of bail are made out in terms of Section 497 (2) Cr.P.C. Resultantly, present applicant/accused Dhuwan alias Qawwali s/o Piran is admitted to bail subject to his furnishing solvent surety in the sum of Rs.200,000/- (Rupees Two Lac only) and P.R Bond in the like amount to the satisfaction of learned trial Court. The applicant/accused is directed to attend the trial. However, it is made clear that if the applicant/accused misuses the concession of bail, the trial court would be at liberty to take appropriate action.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicant/accused on merits.

8. Accordingly, this post-arrest bail stands allowed in the above terms.

J U D G E

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