

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S- 1240 of 2025

Applicant : Ghulam Murtaza, through Mr. Rukhsar Ahmed Junejo, Advocate a/w applicant.

Respondent : The State through Mr. Muhammad Raza Katohar, Deputy P.G.

Date of Hearing : **31-08-2026**

Date of Order : **31-08-2026**

O R D E R

TASNEEM SULTANA, J.- Through this criminal bail application, the applicant Ghulam Murtaza seeks pre-arrest bail in Crime No.348 of 2025, registered at P.S, A-Section, Sukkur, for offences under Sections 452, 506(2), 498-A, 504, 34 and 427, P.P.C. Earlier, his application for pre-arrest bail was dismissed by the learned Judge, Special Court Anti-Rape/GBV/III-Additional Sessions Judge, Sukkur, vide order dated 17.12.2025.

2. The detailed facts of the case are already set out in the bail application and the FIR and, therefore, need not be reproduced in detail.

3. Learned counsel for the applicant contends that the applicant has been falsely implicated in the case arising out of a dispute between the parties over inherited property; that the alleged occurrence took place on 03.09.2025, whereas the F.I.R. was lodged on 12.10.2025 after considerable delay; that there is material variation between the version set up by the complainant in her application under Sections 22-A and 22-B, Cr.P.C and the subsequent F.I.R.; and that the police reports obtained during those proceedings also disclosed a dispute over inherited property. He further submits that, in these circumstances, the applicability of Section 498-A, P.P.C. requires examination. Lastly, he prays for confirmation of the ad-interim pre-arrest bail already granted to the applicant.

4. Conversely, learned Deputy Prosecutor General for the State opposes the application and contends that the applicant is specifically nominated in the F.I.R. with a definite role and sufficient material is available to connect him with the alleged offence. He, therefore, prays for dismissal of the application.

5. Heard. Record perused.

6. On perusal of the record, it reflects that the allegation against the applicant is that, accompanied by two unidentified persons, he entered the complainant's house, threatened her son with an iron rod, slapped the complainant and damaged household articles. The applicant and the complainant are brother and sister, and the dispute between them relates to property inherited from their deceased father. The record further shows that City Survey Nos.420/1, 420/2 and 1596/4 stand mutated in the names of the complainant and other legal heirs. In these circumstances, whether the complainant was deprived of her inheritance through deceitful or illegal means so as to attract Section 498-A, P.P.C., can only be determined after recording evidence, making the case one of further inquiry within the meaning of Section 497(2), Cr.P.C.

7. The variation between the complainant's earlier version and the F.I.R. is also significant. In her application under Sections 22-A and 22-B, Cr.P.C., Baqir Hussain was arrayed as a proposed accused along with the present applicant and two unidentified persons, and the occurrence was alleged to involve an iron rod and pistols. The application was subsequently not pressed against Baqir Hussain, who was thereafter omitted from the F.I.R., wherein the present applicant is alleged to have been armed with an iron rod and accompanied by two unidentified persons. This variation, coupled with the dispute over inherited property and the delay in registration of the F.I.R., gives weight to the plea of ulterior motive.

8. In view of the above facts and circumstances, the applicant has succeeded in making out a case for confirmation of pre-arrest bail. Accordingly, the instant bail application is **allowed** and the ad-interim pre-arrest bail already granted to the applicant vide order dated 22.12.2025 is confirmed on the same terms and conditions.

9. The observations made herein are confined to the disposal of the present bail application and shall not prejudice the case of either party at trial.

J U D G E