

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S-597 of 2026

Applicants : Muhammad Daud & 14 others
Through Mr. Mehtab Ahmed Baloch,
Advocate along with applicants.

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

Date of Hearing : 31-08-2026
Date of Order : 07-09-2026

ORDER

TASNEEM SULTANA, J.- Through this Criminal Bail Application, applicants Muhammad Daud, Ghulam Qadir, Sarfraz, Muhammad Kamil, Muhammad Saleh, Akash, Qadir Bux, Shamshir, Hub Ali, Sikandar Ali, Ahsan, Nasrullah, Khair Muhammad, Mehboob and Sher Muhammad seek pre-arrest bail in Crime No.35 of 2026, registered at Police Station Kot Laloo, District Khairpur, for offences under Sections 324, 353, 224, 225, 147, 148 and 149, PPC. Their plea for pre-arrest bail was declined by the learned Additional Sessions Judge, Mirwah, vide order dated 09.06.2026, whereafter they approached this Court.

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 applicants contended that the applicants are innocent and have been falsely implicated due to previous litigation and hostility between the parties; that the complainant and the prosecution witnesses are police officials posted at the same police station; that although an exchange of firing has been alleged, no police official sustained any firearm injury and no damage to the police mobile is shown; that the allegation of firing is collective and no particular fire has been attributed to any individual applicant; and that the circumstances attending the case reflect mala fide and ulterior motive behind their intended arrest. He, therefore, prayed for confirmation of the interim pre-arrest bail granted to the applicants.

4. Conversely, learned Deputy Prosecutor General opposed the application and contended that the applicants are nominated in the FIR; that applicant Muhammad Daud had been apprehended by the police in connection with Crime No.26 of 2026, whereafter the remaining applicants allegedly reached the spot, forcibly secured his release from police custody and thereafter fired upon the police officials with intention to commit murder; that the prosecution witnesses have supported the accusation in their statements recorded under Section 161, Cr.P.C.; and that no case for extending the extraordinary concession of pre-arrest bail has been made out. He, therefore, prayed for dismissal of the application.

5. Heard. Record perused.

6. It appears from the record that applicant Muhammad Daud had allegedly been apprehended by the police in connection with Crime No.26 of 2026. The remaining applicants are alleged to have reached the place armed with pistols and lathis, secured his release from police custody and thereafter fired upon the police party, which also resorted to firing in defence. The allegation of firing is collective in nature and no particular shot has been attributed to any individual applicant. Despite the alleged exchange of firing, no member of the police party sustained any firearm injury and no damage to the police vehicle is shown on record.

7. Section 324, PPC has been invoked on the allegation that firing was made upon the police party with intention to commit murder. The offence carries punishment which may extend to ten years and falls within the prohibitory clause of Section 497(1), Cr.P.C. However, keeping in view the general nature of the firing allegation, absence of attribution of any particular shot to any applicant and the fact that no member of the police party sustained any firearm injury, whether the requisite intention or knowledge to attract Section 324, PPC, and the common object necessary to fasten liability under Section 149, PPC, are made out against the applicants are matters requiring determination after recording evidence at trial. The allegation concerning the escape of Muhammad Daud from custody and that of securing his release attributed to the remaining applicants would likewise be examined on the evidence led before the trial Court.

8. The applicants have also relied upon previous litigation in support of their plea of mala fide. Such litigation, by itself, may not be sufficient to establish mala fide; however, when considered with the circumstances noticed above and the implication of a large number of persons in the occurrence, the plea of mala fide behind the intended arrest cannot be brushed aside at this stage. The case of the applicants, therefore, calls for further inquiry within the meaning of Section 497(2), Cr.P.C. In this regard, reliance is placed upon the case of Salman Mushtaq and others v. The State through P.G. Punjab and another (2024 SCMR 14), wherein the Hon'ble Supreme Court observed as follows:-

“6.While considering the grounds agitated for enlargement on bail, whether pre-arrest or post-arrest, the atrociousness, viciousness and/or gravity of the offence are not, by themselves, sufficient for the rejection of bail where the nature of the evidence produced in support of the indictment creates some doubt as to the veracity of the prosecution case. Therefore, where, on a tentative assessment, there is no reasonable ground to believe that the accused has committed the offence, and the prosecution case appears to require further inquiry, then in such circumstances the benefit of bail may not be withheld as a punishment to the accused.....”

9. In view of the above facts and circumstances, the applicants have succeeded in making out a case for grant of pre-arrest bail. Consequently, the interim pre-arrest bail granted to them vide order dated 18.06.2026 is confirmed on the same terms and conditions.

10. The observations made hereinabove are tentative in nature and shall not prejudice the case of either party at trial.

J U D G E

Ahmad