IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 873 of 2026

Applicant:	Nawab Ali son of Ghulam Qadir bycaste Pitafi (Confined in District Jail Ghotki), **through** Mr. Sikandar Ali Siyal, Advocate.
The State	**Through** Mr. Muhammad Raza Katohar, Deputy Prosecutor General, Sindh.

Date of hearing & Orders: 03-11-2026.

O R D E R.

Suresh Kumar, J.--- Through the instant bail application, the applicant named above seeks post arrest bail in a case bearing crime No. 102/2026, offence u/s 324, 353, 398, 401 PPC registered at Police Station Khanbhra, District Ghotki.

2. The facts of the prosecution case, as depicted in the FIR lodged by complainant ASI Ali Abbas are that on 22-08-2026 he along with his subordinate staff left police station for patrolling. During patrolling they reached link road near Dilwaro minor, where they found four persons duly armed with deadly weapons assembled for commission of an offence, who on seeing the police party made firing upon them with intention to commit their murder. In retaliation, the police party also fired upon the accused such encounter was continued for 10 minutes. During encounter, one the accused received firearm injury at the hands of his companion and one unlicensed pistol of 30 bore along with empty magazine was lying near him. The accused was arrested who disclosed his name as Nawab Ali and disclosed the names of escaped person as Jahano alias Janib, Saind Dino and one unknown person. Such mashirnama of arrest and recovery was prepared at the spot. Ultimately, complainant lodged the above said FIR.

3. I have heard learned counsel appearing on behalf of the applicant/accused, learned Deputy P.G for the State who has opposed the grant of bail.

4. Having given due consideration to the arguments advanced by the learned counsel for the applicant/accused, learned DPG for the State and have gone through the material available on record. From the perusal of

FIR it reveals that applicant/accused along with co-accused allegedly deterred the police party from performing their lawful duty and fired upon them while they were assembled for commission of offence. Record reveals that no one has sustained injury from the police party, but applicant/accused allegedly sustained injury from the fire shot of co-accused. However, mashirnama of place of incident shows that no any blood was found there; therefore, the allegation leveled in the FIR requires further inquiry. Since no one sustained injury sustained from the police party; therefore, the applicability of section 324 PPC will be determined at the time of trial while other sections applied in the FIR and challan do not fall within the prohibitory clause of section 497 (1) Cr.P.C. In the similar circumstances this Court granted bail in the case of Iltaf Ahmed Vs. The State (2022 MLD 1367). Further the reliance is placed on the case of Asif Ali Zangejo Jatoi Vs. The State (2017 MLD 46).

5. For the foregoing reasons above and guidance taken from the above case law, I am of considered view that the applicant/accused has successfully made out a case for the grant of bail, therefore, he is admitted to bail subject to furnishing solvent surety in the sum of Rs. 100,000/- (One lac) and P.R bond in the like amount to the satisfaction of learned trial Court.

J U D G E

Nasim/P.A