IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-376 of 2026

Applicants:	Allah Dino & Ghulam Rasool through Ms. Fareeda Naz Abbasi, Advocate.
Respondent:	The State through Mr. Irfan Ali Talpur, Deputy Prosecutor General, Sindh.
Complainant:	Mushtaque Sindhi present in person.

Date of hearing: 04.11.2026.
Date of order: 04.11.2026.

O R D E R

MUHAMMAD HUMAYON KHAN, J. – Through this bail application, the applicants, Allah Dino and Ghulam Rasool, seek confirmation of the interim pre-arrest bail granted to them by this Court on 01.04.2026 in Crime No. 586 of 2025, registered at Police Station Badin. The case was registered under Sections 324, 147, 148, 149 and 504, P.P.C.; the impugned order dated 04.03.2026 also refers to Sections 337-A(i), 337-A(ii) and 337-F(i), P.P.C. The learned 2nd Additional Sessions Judge, Badin, dismissed the applicants' earlier applications for pre-arrest bail by orders dated 15.01.2026 and 04.03.2026.

2. The F.I.R., lodged by the complainant on 12.12.2025, alleges that his daughter, who is married to applicant No.1, was residing with him owing to a matrimonial dispute. At about 2:00 p.m. near Peer Malook Shah School, the applicants and co-accused allegedly arrived armed with an iron bar, a hatchet and lathies. Applicant No.1 is alleged to have struck Waqas Ali with a wooden stick (Paga), while applicant No.2 allegedly struck him on the back with an iron bar. The remaining co-accused are alleged to have caused injuries to the complainant and Waqas Ali.

3. Learned counsel for the applicants submits that the F.I.R. itself reflects that the occurrence arose from a matrimonial dispute between the parties. The complainant is the father of applicant No.1's wife, and the alleged family discord, according to counsel, furnished a motive for their false implication. She further submits that co-accused Zulfiqar and Mumtaz have been admitted to bail by the learned Trial Court, by orders dated 23.12.2025 and 25.02.2026, respectively, in the same crime. The applicants, therefore, claim the benefit of the principle of consistency. It is also contended that Sections 337-A(i) and 337-F(i), P.P.C. are

bailable, while Section 337-A(ii), P.P.C. is punishable with imprisonment not falling within the prohibitory clause of Section 497, Cr.P.C. As to Section 324, P.P.C., counsel argues that the material does not, even tentatively, establish the requisite intention or knowledge to commit qatl-i-amd.

4. The learned Deputy Prosecutor General, assisted by the complainant, opposes confirmation of the interim pre-arrest bail. He submits that specific roles have been assigned to both applicants in the F.I.R. and that they are, therefore, not entitled to the concession sought.

5. I have heard learned counsel for the applicants, the learned Deputy Prosecutor General and the complainant, and have examined the material available on record.

6. Pre-arrest bail is an extraordinary relief. Its grant requires the Court to consider whether the proposed arrest is motivated by mala fide or an ulterior purpose; such motive may be inferred from the circumstances and need not invariably be established by direct evidence. In Khalil Ahmed Soomro and others v. The State (PLD 2017 SC 730), the Supreme Court explained this requirement and observed that the relevant circumstances are to be assessed cumulatively. In the present case, the matrimonial dispute is not merely a plea raised by the defence; it forms part of the prosecution version itself. The complainant is the father of applicant No.1's wife, who, according to the F.I.R., was residing with her father because of the dispute. This circumstance supplies a relevant background for assessing the applicants' plea that they have been implicated on account of the strained family relations. I am mindful that specific acts have been attributed to both applicants. Their attribution, however, must be considered with the surrounding circumstances and does not by itself answer the plea of mala fide.

7. The roles attributed to the applicants are distinct and require separate consideration. Applicant No.1 is alleged to have struck Waqas Ali with a wooden stick; applicant No.2 is alleged to have struck him on the back with an iron bar. The latter allegation specifies both a different weapon and the part of the body. I have considered this circumstance; it cannot be brushed aside merely because the occurrence arose from a matrimonial dispute. The material placed before me at this stage, however, does not specify the nature of the injury attributable to either applicant or otherwise sufficiently disclose the intention or knowledge contemplated by Section 324, P.P.C. Whether the alleged acts attract that provision calls for further inquiry. This assessment is tentative and shall not affect the trial.

8. It is not disputed that co-accused Zulfiqar and Mumtaz, alleged to have participated in the same occurrence, have been admitted to bail. The grant of bail to a co-accused does not, by itself, entitle another accused to the same relief; the principle of consistency applies where the accused are similarly placed. At this stage, their

release is a relevant circumstance, to be considered along with the matrimonial background and the tentative assessment of the allegation under Section 324, P.P.C.

9. Sections 337-A(i) and 337-F(i), P.P.C. are bailable, whereas Section 337-A(ii), P.P.C. is non-bailable but does not fall within the prohibitory clause of Section 497, Cr.P.C. The Supreme Court has held that, in offences outside that clause, grant of post-arrest bail is ordinarily the rule and refusal the exception (Tariq Bashir and others v. The State, PLD 1995 SC 34; Muhammad Tanveer v. The State, PLD 2017 SC 733). These principles do not, on their own, dispense with the distinct requirement applicable to pre-arrest bail. They are nevertheless relevant when the Court assesses the nature of the accusation and the consequences of arrest.

10. Considering the matrimonial discord disclosed in the prosecution version, the distinct roles attributed to the applicants, the tentative need for further inquiry into the applicability of Section 324, P.P.C., and the bail granted to the co-accused, I find that the circumstances, taken together, support the applicants' plea that their apprehended arrest is connected with the existing family dispute. The requisite element of mala fide is, therefore, tentatively made out. The relief is not being granted merely because some of the offences are bailable or fall outside the prohibitory clause of Section 497, Cr.P.C. Accordingly, this Criminal Bail Application is allowed. The interim pre-arrest bail granted to the applicants by order dated 01.04.2026 is confirmed on the same terms and conditions.

11. The observations made herein are tentative in nature and shall not influence the learned Trial Court while deciding the case on its merits.

JUDGE

Muhammad Danish*