IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-1155 of 2026

Applicant:	Muhammad Ali through Mr. Jeewat Ram, Advocate.
Respondent:	The State through Mr. Irfan Ali Talpur, Deputy Prosecutor General, Sindh.
Complainant:	Mir Hassan through Mr. Abdul Hameed Laghari, Advocate.

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, applicant Muhammad Ali seeks confirmation of the interim pre-arrest bail granted to him by this Court on 31.08.2026 in Crime No. 195 of 2026, registered at Police Station Jamshoro, for offences under Sections 147, 148, 149, 504, 337-A(i) & 337-F(i) P.P.C. His earlier application for pre-arrest bail was dismissed by the learned Model Criminal Trial Court/1st Additional Sessions Judge, Jamshoro, by order dated 24.08.2026.

2. The accusation against the applicant is that on 19.07.2026, at about 12:00 noon, owing to annoyance over the complainant's party moving in front of the shop, applicant Muhammad Ali struck injured Yasin on his head with the butt of a pistol, while co-accused Ghulam Sarwar hit him with an iron bar and Ali Dost caused him lathi. The accused persons also allegedly subjected him to fist and kick blows. Thereafter, the complainant and witness Abbas Qambrani rescued injured Yasin in the name of Allah, obtained a referral for his medical treatment from the Police Station and shifted him to LUMHS, Jamshoro. The complainant further alleged that he narrated the incident to Nekmard, who had kept the matter pending but could not effect a settlement. Hence, the present F.I.R. was lodged.

3. Learned counsel for the applicant contends that learned Trial Court has already granted bail to co-accused Ghulam Sarwar, Ali Dost and Dil Murad, therefore, the applicant is entitled to the concession of bail on the ground of parity. It is further submitted that the complainant himself has admitted that there is an ongoing dispute between the complainant and the accused party. It is argued that the FIR has been registered with an inordinate delay of five days without any plausible explanation. It is further submitted that the offences in respect of injuries under

Sections 337-A(i), F(i) PPC are bailable, and no ground for refusal of bail is made out. Therefore, the applicant is entitled for confirmation of his bail.

4. Conversely, learned DPG assisted by the complainant's counsel vehemently opposed the grant of bail and contended that the applicant actively participated in the occurrence and caused injury to the injured, therefore, he is not entitled to the concession of bail.

5. I have heard the respective parties and perused the record. Tentative assessment of the record reveals that the offences with which the applicant stands charged are bailable in nature. Thus, in such cases, grant of bail is a rule and refusal an exception. This principle has been reiterated by the Honourable Supreme Court in Tariq Bashir v. The State (PLD 1995 SC 34) and Muhammad Tanveer v. The State and another (PLD 2017 SC 733). Furthermore, the delay of more than five days in lodging the F.I.R., without any plausible explanation, prima facie reflects consultation and deliberation regarding the manner of occurrence. Moreover, the admitted family dispute between the parties provides a relevant background for examining the plea of mala fide.

6. In view of the above circumstances, particularly the nature of the allegations, the family dispute between the parties and the unexplained delay in lodging the F.I.R., I am of the tentative view that the applicant has made out a case for confirmation of interim pre-arrest bail.

7. It is also settled that the object of pre-arrest bail is to protect an accused against arbitrary arrest and humiliation where the circumstances justify such extraordinary relief. Accordingly, the instant Criminal Bail Application is allowed. The interim pre-arrest bail already granted to the applicant vide order dated 31.08.2026 is hereby confirmed on the same terms and conditions.

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

JUDGE

Muhammad Danish*