

**HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**

Cr. Bail. Application No.S-847 of 2025  
*[Imtiaz Ali versus The State]*

Applicant	Imtiaz Ali: <b>through Mr. Bilawal Bajeer advocate</b>
Complainant	Mst. Jadul: <b>through Mr. Muhammad Issa Behan advocate</b>
State	Through <b>Mr. Irfan Ali Talpur Deputy P.G</b> a/w SIP Sain Dino
Date of hearing	28.08.2025
Date of Order	28.08.2025

**ORDER**

**TASNEEM SULTANA, J:** Through this Crl. Bail Application, the applicant Imtiaz Ali seeks post-arrest bail in Crime No.257 of 2024 registered at Police Station Hala New District Matiari under Sections 337-A(iv), 337-A(i), 337-F(i), 337-H(ii), 509, 452, 429, 403, 147, 148 & 149 PPC. His earlier bail application for the same relief being Crl. Bail Application No. 508 of 2025 was declined by the Additional Sessions Judge Hala vide order dated 24.07.2025.

2. The facts of the FIR find sufficient mention in memo of bail application, therefore, in view of the case law reported in PLD 2014 SC 458, there is no need to reproduce the same for the sake of brevity and in order to avoid repetition. However, allegation against the present applicant is that he alongwith co-accused trespassed into the house of complainant party and caused them injuries.

3. Learned counsel for the applicant contend that applicant is innocent and has been falsely implicated in present crime; that no specific role has been assigned to him; that there is inordinate delay in lodgment of FIR; that all the co-accused have been granted by the learned trial Court, therefore, the applicant is entitled for the same relief on the rule of consistency.

4. Contrary learned DPG, duly assisted by the learned counsel for the complainant, opposed the grant of bail on the ground that applicant has been nominated in FIR with specific role of causing hatchet injury to Mst. Babra at her head and the said injury has been declared as 337-A(iv), which is non-bailable; that applicant alongwith co-accused trespassed into the house of complainant party and the said offence is also non-bailable;

that grant of bail to co-accused does not entitle present accused for grant of bail as each and every case is to be decided on its own merit; that delay has sufficiently been explained since the injured were under treatment and then complainant approached the learned Justice of Peace and after obtaining order therefrom lodged the present FIR.

5. Heard and record perused.

6. It is a well-settled principle of law that at the stage of bail the Court is not to undertake a deeper appreciation of evidence, but only a tentative assessment of the available material to determine whether a prima facie case for grant of bail is made out. Keeping this principle in view, the record has been examined.

7. In the present matter, the applicant Imtiaz Ali has been ascribed a specific role in the FIR, wherein it has been alleged that he inflicted injury on vital part of body of Mst. Babra by using hatchet. The medico legal examination conducted by the Medical Officer declared said injury as “Shajjah-i-Munaqqilah”, as per legal-medico definition this injury refers to a grievous hurt wherein bone is fractured and dislocated. This classification under Section 337-A(iv) of the Pakistan Penal Code (PPC) renders accused liable to Arsh, which constitutes 10% of the Diyat alongwith a possible term of imprisonment extending upto 10 years, which falls within the ambit of prohibitory class. In the cases reported in 2025 YLR 1234 Sindh and 2025 MLD 775 learned Single Bench of this Court also declined the bail to accused while keeping in view the injuries of grievous nature falling under prohibitory clause.

8. It is a well settled principle that in bail matters, the Court must exercise its discretion judicially, ensuring that the statutory mandate of law is not defeated through misplaced leniency. The concept of falsus in uno, falsus in omnibus – that false hood in one aspect does not necessary invalidate the entire case, does not operate at this stage to undermine the veracity of the medical record, unless convincing established otherwise at trial. Further, Section 452 PPC (house trespass) is also applied in the FIR, which is punishable upto seven and non-bailable as well.

9. Insofar as the argument of delay in registration of FIR is concerned, it appears that after the incident the injured were under treatment and then complainant approached the learned Justice of Peace from where she obtained the Order and lodged the FIR. Therefore, in my view, the delay has sufficiently been explained. As regards the grant of

bail to co-accused, the present applicant has been nominated in FIR with specific role of causing grievous hurt to witness Mst. Babra, which, as mentioned supra, falls within the prohibitory clause. Even otherwise, it is well settled the each and every criminal case is to be decided on its own merits.

10. Above discussion led me to held that applicant has failed to make a case of further inquiry. Accordingly, present bail application is dismissed being devoid of merit.

11. It is, however, clarified that the observations made herein are tentative in nature and shall not prejudice the trial Court in deciding the case on merits.

**JUDGE**

Sajjad Ali Jessar