

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

Criminal Bail Application No. S-1066 of 2025

**Before;**

*Mr. Justice Abdul Hamid Bhurgri.*

Applicant : Mehrab Ali s/o Haji Alan Channa,  
through Mr. Safdar Ali Bhatti, Advocate

Complainant : Tahir Hussain, through Syed Mujahid Ali Shah,  
Advocate

The State : Through Mr. Shafi Muhammad Mahar,  
Deputy P.G for State

Date of Hearing : **08.06.2026**  
Date of Order : **08.06.2026**

**ORDER**

**Abdul Hamid Bhurgri J.-** The applicant, Mehrab Ali son of Haji Alan Channa, seeks pre-arrest bail in Crime No.280 of 2025, registered at Police Station Mirwah, District Khairpur Mirs, for offences punishable under Sections 506(2), 337-F(v), 337-L(ii), 114, 147, 148, 149 and 504, P.P.C., after dismissal of his pre-arrest bail application by the learned III-Additional Sessions Judge, Khairpur Mirs, vide order dated 28.10.2025.

**2.** Briefly stated, the prosecution case is that on 02.10.2025 at about 10:00 p.m., complainant Tahir Hussain lodged the F.I.R., alleging therein that the present applicant, being his neighbour, used to claim ownership over a plot situated near his house and had been pressurizing him to hand over possession thereof. Upon his refusal, the applicant allegedly became annoyed and extended threats to teach him a lesson. It is further alleged that on 16.09.2025 at about 6:00 p.m., when the complainant, along with Aamir Hussain and Toufique Ali, was present at the said plot, the applicant and his co-accused, armed with iron rods, pistols, hatchets and lathis, arrived there and assaulted the complainant party. The specific allegation against the present applicant is that he caused an iron rod blow to injured Aamir Hussain on his forearm. Thereafter, the accused persons allegedly fled from the scene while extending threats.

**3.** Learned counsel for the applicant contended that the applicant is innocent and has falsely been implicated in this case. He argued that there is an unexplained delay of about sixteen days in the lodgment of the F.I.R. He further submitted that the injury attributed to the applicant has been declared as Jurah Ghayr Jaifah Hashimah punishable under Section 337-F(v), P.P.C., carrying punishment up to five years' imprisonment and thus not falling within the prohibitory clause of Section 497, Cr.P.C. He lastly contended that the applicant has made out a case for confirmation of pre-arrest bail.

**4.** Conversely, learned counsel for the complainant opposed the bail application and submitted that a specific role has been attributed to the applicant in the F.I.R. He contended that the delay in lodging the F.I.R. stands explained, as the injured were first taken for treatment and efforts were made through respectable persons of the area to settle the dispute. Learned Deputy Prosecutor General, while opposing the application, fairly conceded that the injury attributed to the applicant falls under Section 337-F(v), P.P.C., which does not fall within the prohibitory clause of Section 497, Cr.P.C.

**5.** I have heard learned counsel for the parties and examined the material available on record. Admittedly, the F.I.R. was lodged after a delay of about sixteen days from the date of the incident. Although an explanation has been offered by the complainant side, the effect and sufficiency thereof would require deeper appreciation of evidence at the trial. At this stage, such delay constitutes a circumstance favouring further inquiry. The specific allegation against the present applicant is that he caused an iron rod blow on the forearm/right arm of injured Aamir Hussain, which is a non-vital part of the body. The injury attributed to the applicant has been declared as Jurah Ghayr Jaifah Hashimah punishable under Section 337-F(v), P.P.C., carrying punishment up to five years' imprisonment and thus not falling within the prohibitory clause of Section 497, Cr.P.C. Keeping in view the nature of accusation, the delayed lodgment of the F.I.R., the nature of injury attributed to the applicant and the settled principle that, in cases not falling within the prohibitory clause, grant of bail is a rule and refusal an exception, I am of the tentative view that the applicant has succeeded in making out a case for

confirmation of pre-arrest bail. Accordingly, the interim pre-arrest bail granted to the applicant vide order dated 05.11.2025 is hereby confirmed on the same terms and conditions.

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

J U D G E

ARBROHI/PS