

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Cr. Bail Application No. S-252 of 2026

Applicants: 1. Allah Rakhio s/o Muhammad Moosa,
2. Ghulam Abbas s/o Muhammad Moosa
Through Mr. Muhammad Yaseen
M. Khaskheli, Advocate.

Complainant: Muhammad Umar s/o Faqir Muhammad
through Mir Pervez Akhter Talpur, advocate.

Respondent: The State Through Mr. Ghulam Abbas
Dalwani D.P.G.

Cr. Bail Application No. S-276 of 2026

Applicant: Allah Dino s/o Muhammad Moosa,
Through Mr. Muhammad Yaseen M.
Khaskheli, Advocate.

Complainant: Muhammad Umar s/o Faqir Muhammad
through Mir Pervez Akhter Talpur, advocate.

Respondent: The State.
Through Mr. Ghulam Abbas Dalwani D.P.G.

Date of hearing: 13.07.2026

Date of Order: 13.07.2026

ORDER

Khalid Hussain Shahani, J:- Applicants Allah Rakhio and Ghulam Abbas seek the pre-arrest bail, while Applicant Allah Dino seeks post-arrest bail, in a case bearing Crime No. 50/2026 for offences under Sections 324, 506(ii), 148, 149, 337-A(i), 337-F(i) and 504, P.P.C. of P.S. Jhol, following the dismissal of their respective bail pleas by the learned Additional Sessions Judge-I/MCTC, Sanghar, vide orders dated 15.05.2026 and 21.05.2026 respectively.

2. The genesis of the prosecution narrative, as unfolded from the record, traces back to a longstanding acrimony subsisting between the complainant and Muhammad Moosa son of Sikiladho Mangrio

and his associates. It is alleged that shortly preceding the occurrence, the accused party's cattle strayed into the complainant's standing crop, and when the complainant's nephew, Saifullah, remonstrated against this trespass, the accused were provoked into extending threats of dire consequence. On 10.05.2026, at about 0900 hours, while the complainant, accompanied by Saifullah and one Ali Hassan, was proceeding toward the village flour mill, a white Alto motor vehicle drew up near the Mori of Sarki Minor, disgorging five armed assailants including Muhammad Moosa (pistol), Ghulam Abbas (stick), Allah Rakhio (hatchet), Allah Dino (iron rod), and Iqbal (iron rod). It is asserted that Muhammad Moosa, hurling abuses, incited his companions to eliminate Saifullah and brandished his pistol in furtherance thereof; that Allah Dino and Iqbal each struck Saifullah upon the head with iron rods, avowedly with murderous intent; that Ghulam Abbas administered lathi blows to his legs; and that Allah Rakhio inflicted hatchet blows upon his back. The commotion is said to have summoned villagers, whereupon the assailants withdrew, hurling further threats. The injured was thereafter conveyed to the police station and subsequently referred for treatment to the Civil Hospital, Sanghar, culminating in registration of the instant case.

3. Learned counsel for the Applicants has argued the cause with considerable vigor, contending that his clients are the victims of a calculated and malicious implication, borne of pre-existing enmity rather than any genuine culpability. He submits, with some force, that the injuries specifically attributed to the present Applicants are confined to the legs and stand medically classified under Section 337-L(ii), P.P.C., a bailable offence falling outside the prohibitory

embargo of Section 497, Cr.P.C. He further assails the prosecution version on the ground of an unexplained and telling delay of eight hours between the occurrence (0900 hours) and the lodging of the F.I.R. (1700 hours), a hiatus that, in his submission, casts a discernible shadow of deliberation and embellishment over the complainant's account. He additionally contends that the occurrence was bilateral in character, the accused party having likewise sustained injury upon one Abdul Jabbar on the same day, thereby attracting the salutary principle embodied in Section 497(2), Cr.P.C. The medico-legal certificate, he urges, is itself exculpatory qua Section 324, P.P.C., inasmuch as the CT scan of the injurer's brain reveals no fracture, no hemorrhage, and no midline shift, findings squarely incompatible with any lethal design. He draws pointed attention to a corrigendum issued on 11.05.2026, a bare day after the F.I.R., artificially superimposing the words "bones exposed" upon Injury No. 1, an interpolation conspicuously absent from the original Provisional Medical Certificate, which, in his submission, betrays the complainant's design to inflate the gravity of the offence through subsequent manipulation. Finally, invoking the rule of consistency, he submits that the trial court's confirmation of bail to co-accused Muhammad Moosa, whose role is confined to mere instigation, while denying like relief to the present Applicants, whose culpability is anchored in bailable injuries alone, places the Applicants on a footing manifestly superior to that of the enlarged co-accused, thereby commanding parity of treatment.

4. Learned Deputy Prosecutor General, ably assisted by learned counsel for the complainant, has resisted the applications with equal earnestness, submitting that the Applicants stand specifically

named in the F.I.R. with distinct and attributable roles, duly corroborated by the medical evidence, and that the invocation of Section 324, P.P.C., falling within the prohibitory clause, disentitles them to the concession sought. Dismissal of the applications has accordingly been pressed for.

5. I have heard learned counsel for the respective parties, as well as learned Deputy Prosecutor General for the State, and have subjected the record to anxious scrutiny. The role attributed to the Applicants stands thus: Allah Dino and Iqbal are alleged to have struck the head of injured Saifullah with iron rods, purportedly with homicidal design; Ghulam Abbas is charged with lathi blows upon the legs; and Allah Rakhio with hatchet blows upon the back. Yet the medico-legal certificate tells a materially different story, Injury No. 1 is classified as *Shajjah-e-Mudihah* 337-A(ii), Injury No.2 as *Shajjah-e-Khafifah* 337-A(i), and Injuries Nos. 3 and 4 as mere *other hurt* 337-L(ii), none attracting the prohibitory clause of Section 497(1), Cr.P.C. Where the medical evidence itself belies the severity ascribed by the F.I.R., the case falls squarely within the settled rule that bail, not its refusal, is the norm for non-prohibitory offences.

6. Nor, at this tentative juncture, do the injuries bear the hallmark of imminent lethality or disclose an intention so unequivocal and crystallized as to sustain, without further inquiry, a charge under Section 324, P.P.C. The invocation of that provision remains, at best, an arguable proposition, one that the evidentiary rigor of trial alone can settle, and which this Court, exercising bail jurisdiction, is neither called upon nor equipped to pre-empt. Investigation having concluded and the challan already submitted, the Applicants' custody serves no remaining investigative purpose,

and their continued deprivation of liberty on a charge yet to be substantiated would sit uneasily with the presumption that attends every accused until guilt is proved.

7. For the reasons afore-stated, both bail applications are allowed. The interim pre-arrest bail earlier extended to Applicants Allah Rakhio and Ghulam Abbas vide order dated 18.05.2026 is hereby confirmed, on the same terms and conditions. Applicant Allah Dino is admitted to post-arrest bail, subject to furnishing a solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) together with a personal recognizance bond in like amount, to the satisfaction of the learned trial Court.

8. It is, however, made abundantly clear, so as to obviate any misconceived reliance hereupon, that the observations herein are strictly tentative and confined to the disposal of the instant bail applications, and shall not be read as an expression of opinion touching the merits of the case, which shall be determined uninfluenced by anything stated above.

9. The bail applications stand disposed of in the terms aforesaid.

JUDGE

"Chander Kumar"