

ORDER SHEET
**IN THE HIGH COURT OF SINDH CIRCUIT COURT
MIRPURKHAS**

Criminal Bail Applications No.S-525 of 2026

Applicants: 1. Muhammad Hassan S/o Soonharo.
2. Imdad Hussain S/o Baharul Din.
Through Mr. Ghulam Hussain Malano,
Advocate.

Date of hearing: 02.10.2026.

Date of order: 02.10.2026.

ORDER

RIAZAT ALI SAHAR, J:- Through the instant bail application, applicants Muhammad Hassan and Imdad Hussain, who are present before the Court, seek pre-arrest bail in Crime No.37 of 2026, registered at Police Station Phulladiyoon, for offences punishable under Sections 506(ii), 504, 427, 337-A(i), 337-F(i) and 34, P.P.C. Their earlier application for pre-arrest bail was dismissed by the learned Additional Sessions Judge-I, Mirpurkhas, vide order dated 30.09.2026.

2. The facts and particulars of the prosecution case are already set out in the F.I.R., a copy whereof has been annexed with the bail application; therefore, unnecessary reproduction thereof is avoided in view of the principle laid down in PLD 2014 SC 458.

3. Learned counsel for the applicants, inter alia, contends that the applicants have been falsely implicated in the present case with mala fide intention; that they have no concern whatsoever with the alleged occurrence; and that their arrest is being sought merely to humiliate and harass them. He, therefore, seeks the extraordinary relief of pre-arrest bail under Section 498, Cr.P.C.

4. I have heard learned counsel for the applicants and perused the available record. Prima facie, the contention of false implication does not find support from the material presently available on record. Both the applicants are specifically nominated in the F.I.R. with distinct and active roles in the commission of the alleged offence. Applicant Muhammad Hassan is alleged to have caused a hatchet blow with its hard and blunt side on the head of injured Abdul Majeed, whereas applicant Imdad Hussain is alleged to have inflicted lathi blows upon different parts of his body. The ocular account, at this tentative stage, finds support from the medical evidence. Significantly, the injury

attributed to applicant Muhammad Hassan has medically been classified as falling within the ambit of Section 337-A(iv), P.P.C., which carries punishment extending up to ten years and, therefore, attracts the prohibitory clause of Section 497(1), Cr.P.C.

5. Pre-arrest bail is an extraordinary relief, essentially intended to protect an innocent person from unjustified arrest motivated by mala fide, ulterior considerations or abuse of the process of law. It is not to be granted as a matter of course. In the present case, except for a bare assertion of mala fide, no material has been pointed out which, at this stage, may reasonably demonstrate that the criminal proceedings have been initiated merely to humiliate, harass or disgrace the applicants. On the contrary, the specific roles attributed to them, coupled with the supporting medical evidence, prima facie connect them with the alleged occurrence.

6. In view of the foregoing circumstances, no case for grant of the extraordinary concession of pre-arrest bail is made out. **Consequently, the instant bail application is dismissed in Limine, and the applicants, who are present before the Court, are taken into custody. The S.H.O., Police Station Town, Mirpurkhas, is directed to take the applicants into custody and hand them over to the concerned police in accordance with law for further investigation and proceedings, as may be warranted.**

7. It is pertinent to observe that the scope, considerations and parameters governing pre-arrest bail under Section 498, Cr.P.C. are distinct from those applicable to post-arrest bail under Section 497, Cr.P.C. Therefore, dismissal of the instant pre-arrest bail application shall not preclude the applicants from seeking post-arrest bail before the competent Court under Section 497, Cr.P.C., if so advised. Any such application shall be considered and decided independently, strictly in accordance with law, on its own merits and without being influenced or prejudiced by any observation made in the present order, which is confined to the question of pre-arrest bail. Meanwhile, the learned trial Court is strictly directed to proceed with the trial expeditiously and without unnecessary adjournments and to make every possible endeavour to conclude the same, preferably within a period of four (04) months, under intimation to this Court. The prosecution shall ensure the attendance of its witnesses on the dates fixed by the trial Court so that the proceedings are not delayed on that account.

8. Needless to observe that the observations made hereinabove are tentative in nature and shall not prejudice the case of either party at the trial.

JUDGE

Adnan Ashraf Nizamani