

HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-357 of 2026

(Sodho and another vs. The State)

Applicants : 1. Sodho s/o Urs.
2. Qurban s/o Dad Muhammad
Through Mr. Afzal Kareem Virk, Advocate.

Respondent : The State
Through Mr. Dhani Bakhsh Mari, Assistant P.G.

Complainant : Ali Gohar s/o Dur Muhammad
(in person).

Date of hearing : 06.10.2026

Date of Order : 06.10.2026

ORDER

RIAZAT ALI SAHAR, J: Through the instant bail application, the applicants, Sodho son of Urs and Qurban son of Dad Muhammad, seek confirmation of pre-arrest bail under Section 498, Cr.P.C., in Crime No. 54 of 2026, registered at Police Station Perumal, District Sanghar, for offences punishable under Sections 506(ii), 337-A(i), 337-F(i), 337-H(ii), 147, 148, 149 and 504, P.P.C. Their earlier application for pre-arrest bail was dismissed by the learned Additional Sessions Judge-II, Sanghar, vide order dated 24.06.2026, whereafter they invoked the jurisdiction of this Court.

2. In view of PLD 2014 SC 458 (Muhammad Shakil v. The State), the facts and particulars of the prosecution case have already been set out in the FIR, a copy of which is available on the record; therefore, unnecessary reproduction thereof is avoided.

3. Learned counsel for the applicants, inter alia, contended that although the names of the applicants are mentioned in the FIR, the role assigned to applicant/accused Sodho falls within the ambit of Section 337-L(2), P.P.C. (other hurt), which is bailable. As regards applicant/accused Qurban, it was submitted that he has been assigned the role of causing kicks and fist blows to Allah Dad; however, no injury certificate has been issued in respect of Allah Dad. Learned counsel further submitted that all the sections applied in the FIR are bailable except Section 506(ii), P.P.C., which calls for further inquiry. He contended that

the applicants have been falsely implicated by the complainant with mala fide intention and ulterior motives. He further submitted that the roles attributed to the absconding accused, namely Jawaid, Muhammad Ali, Qadir and Moharram, are different from those assigned to the applicants. He also pointed out that co-accused Gul Bahar and Ali Dost had already been granted pre-arrest bail by the learned Additional Sessions Judge-II, Sanghar, vide order dated 24.06.2026.

4. Conversely, the learned Assistant Prosecutor General raised a formal objection on the ground that, if the instant relief were granted to the applicants/accused, it would prejudice the case against the absconding accused.

5. The complainant, who is present in Court in person, also opposed confirmation of bail to the applicants/accused and prayed for dismissal of the instant bail application.

6. I have heard learned counsel for the applicants, the complainant in person and the learned Assistant Prosecutor General, and have tentatively examined the material available on the record, as is permissible at the bail stage. According to the F.I.R, the role assigned to applicant/accused Sodho is that he caused a blunt side of hatchet injury to the complainant's son, namely Sahit Ali, on his head and **left** arm. However, said version of the complainant is in conflict with the mashirnama of injuries and Medico-legal Certificate (M.L.C) of injured Sahit Ali, wherein it is mentioned that injured Sahit Ali sustained injury/injuries on the elbow of **right** hand. Moreso, the Medical Officer declared such injuries to be an "other hurt", punishable under Section 337-L(2), P.P.C., which is bailable and requires further inquiry. The role assigned to applicant/accused Qurban is that he caused kicks and fist blows to the complainant's brother-in-law, namely Allah Dad; however, no medical certificate in respect of Allah Dad is available on the record. All the sections applied in the FIR are bailable except Section 506(ii), P.P.C., which also does not fall within the prohibitory clause of Section 497(1), Cr.P.C., wherein grant of bail is the rule and refusal is an exception.

7. As regards common intention, the matter requires a deeper analysis of the evidence, the testimony of the witnesses and the surrounding circumstances to determine whether the accused acted pursuant to a shared purpose. Such an exercise involves appreciation of facts and evidence, which is not appropriate at the bail stage.

8. It is also pertinent that the investigation has already been completed, and no material has been brought to the notice of this Court to show that the applicants are required for any further investigative purpose. There is also nothing presently available to suggest that they have previously misused the concession of interim bail, attempted to abscond, tampered with the prosecution evidence or influenced the witnesses. Although pre-arrest bail is an extraordinary relief and is not to be granted as a matter of course, the Court is nevertheless required to examine whether, in the peculiar circumstances of the case, arrest would serve any useful purpose or would merely operate as an instrument of humiliation or unnecessary restraint. At this stage, the attribution of a bailable injury to applicant/accused Sodho, the absence of any medical certificate regarding the alleged kicks and fist blows attributed to applicant/accused Qurban, the absence of any allegation of misuse of interim bail, and the fact that all the sections applied in the FIR are bailable except Section 506(ii), P.P.C., which also falls outside the prohibitory clause, cumulatively bring the matter within the ambit of further inquiry under Section 497(2), Cr.P.C.

9. For the foregoing reasons, and without expressing any final opinion on the merits of the case, the applicants have succeeded in making out a case for confirmation of pre-arrest bail. Consequently, the interim pre-arrest bail granted to applicants Sodho son of Urs and Qurban son of Dad Muhammad vide order dated 02.07.2026 is hereby **confirmed** on the same terms and conditions.

10. Needless to observe that the findings and observations recorded herein are purely tentative in nature and are confined to the disposal of the instant bail application. This order shall not prejudice the case of either side, nor shall it influence the case of the absconding accused.

11. The learned trial Court shall decide the case strictly on the basis of the evidence brought before it, independently and without being influenced by any observation contained in this order.

The instant bail application stands **allowed** accordingly.

JUDGE

