

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No.S- 621 of 2026

Applicants : i. Muhammad Aarif &
ii. Mashooque alias Mashooque Ali
through Mr. Sikandar Ali Siyal,
Advocate

Respondent : The State through Mr. Muhammad Raza
Katohar, Deputy P.G a/w complainant.

Date of Hearing : 24-08-2026
Date of Order : 24-08-2026

ORDER

TASNEEM SULTANA, J.- Through this bail application, applicants Muhammad Aarif and Mashooque alias Mashooque Ali seek post-arrest bail in Crime No.20 of 2025, registered at Police Station Jarwar, for offences under Sections 324, 114, 337-H(ii), 337-F(iii), 147, 148 and 149 PPC. Earlier, their bail applications were declined by the learned Additional Sessions Judge-II (GBV Court), Mirpur Mathelo, vide orders dated 22.05.2026 and 23.06.2026.

2. The detailed facts of the case are already set out in the bail application and the FIR and, therefore, need not be reproduced here.

3. Learned counsel for the applicants contends that the applicants are innocent and have been falsely implicated due to previous enmity arising out of Crime No.94 of 2025, registered against Safdar Bozdar and others regarding the alleged abduction of the complainant's sister; that no specific injury-causing role has been attributed to applicant Muhammad Aarif, who is merely alleged to have been present armed with a lathi; that applicant Mashooque alias Mashooque Ali is alleged to have caused a firearm injury to the right shoulder of injured Sahib Ali, which has been brought within Section 337-F(iii), PPC; that the occurrence allegedly took place on 06.04.2025, whereas the FIR was lodged on 14.04.2025; that the applicability of Section 324, PPC, in the circumstances of the case, requires determination at trial; and that the applicants are entitled to the concession of bail.

4. Conversely, learned Deputy Prosecutor General for the State, assisted by the complainant, opposes the bail application and contends that the applicants are specifically nominated in the FIR with assigned roles; that applicant Mashooque alias Mashooque Ali is specifically alleged to have caused a firearm injury to injured Sahib Ali; that the ocular account is supported by the medical evidence; and that sufficient material is available on record connecting the applicants with the alleged occurrence.

5. Heard. Record perused.

6. It appears that the applicants, along with the co-accused, allegedly intercepted the complainant party while they were travelling on a motorcycle. On the instigation of accused Niaz Ahmed, co-accused Bhooral allegedly fired upon Sahib Ali, causing an injury below his right arm, whereas applicant Mashooque alias Mashooque Ali allegedly fired upon him and caused an injury to his right shoulder. Applicant Muhammad Aarif is alleged to have been present at the place of occurrence armed with a lathi; however, no specific injury-causing role has been attributed to him. Whether, in the circumstances, he shared the common object attributed to the other accused so as to make him liable for their acts is a matter which would require determination by the learned trial Court after recording evidence.

7. As regards applicant Mashooque alias Mashooque Ali, though a specific firearm injury is attributed to him, the said injury has been brought within Section 337-F(iii), PPC, which is punishable with daman and imprisonment which may extend to three years as ta'zir. It is further alleged that thereafter the accused resorted to aerial firing; however, no repetition of fire upon the injured is attributed to applicant Mashooque. The occurrence is stated to have taken place on 06.04.2025, whereas the FIR was lodged on 14.04.2025. Though the FIR refers to medical treatment of the injured before registration of the case, the effect of the intervening period is to be assessed along with the other evidence, particularly when previous hostility between the parties is apparent from the prosecution case itself.

8. In the case of Sumair Ali v. The State (2025 YLR 1814), this Court, while considering the applicability of Section 324, PPC in the context of a

firearm injury falling under Section 337-F(iii), PPC, observed that, “He, however, did not repeat the fire despite having ample opportunity to do so, which shows that perhaps the applicant harboured no intention to kill the victim”. In the circumstances of the present case, keeping in view the nature and seat of the injury attributed to applicant Mashooque, absence of repetition of fire upon the injured and the manner of occurrence alleged in the FIR, the question whether the requisite intention or knowledge so as to attract Section 324, PPC is made out against him, as well as the liability of applicant Muhammad Aarif on the basis of common object, calls for further inquiry within the meaning of Section 497(2), Cr.P.C. The remaining offences, independently considered, do not attract the prohibitory clause of Section 497(1), Cr.P.C.

9. In view of the above facts and circumstances, the applicants have succeeded in making out a case for grant of post-arrest bail. Consequently, the bail application is **allowed** and applicants Muhammad Aarif and Mashooque alias Mashooque Ali are admitted to bail, subject to furnishing solvent surety in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** each and P.R. bond in the like amount to the satisfaction of the learned trial Court.

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

J U D G E

Ahmad