

# THE HIGH COURT OF SINDH, BENCH AT SUKKUR

## Criminal Bail Application No.S- 372 of 2026

**Applicant** : Zameer Ahmed alias Zameer through  
Mr. Mushtaque Ahmed Shah, Advocate.

**Respondent** : The State through Mr. Muhammad Raza  
Katohar, Deputy P.G.

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

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

### O R D E R

**TASNEEM SULTANA, J.-** Through this Criminal Bail Application, the applicant Zameer Ahmed alias Zameer Shar seeks pre-arrest bail in Crime No.72 of 2026, registered at Police Station Ubauro, for offences under Sections 337-F(v), 337-F(i) and 34, PPC. Having been declined the same concession by the learned Additional Sessions Judge/MCTC, Ubauro, in Criminal Bail Application No.729 of 2026, vide order dated 21.04.2026, the applicant has approached this Court through the instant application.

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

3. Learned counsel for the applicant contends that the applicant has been falsely implicated on account of an existing dispute over agricultural land between the parties. He further submits that the FIR was registered after a delay of about three days; that the offence attributed to the applicant does not fall within the prohibitory clause of Section 497, Cr.P.C.; and that his intended arrest is actuated by mala fide and is intended only to humiliate him. He, therefore, seeks confirmation of the interim pre-arrest bail already granted to the applicant.

4. Conversely, learned DPG for the State opposes the application and submits that the applicant is specifically nominated in the FIR and has been assigned a distinct role; that the injury attributed to him is supported by the medical evidence; and that the occurrence was reported to the police on the same day through an N.C., therefore, the plea of delay has no substance. According to him, no material has been brought on record to show mala fide on the part of the complainant or the police.

5. Heard. Record perused.

6. It appears from the record that the applicant is specifically nominated in the FIR with the allegation that he caused a lathi blow on the left side of the complainant's ribs. The medical evidence shows fracture of the left 11th rib and the injury has been declared as Jurh-Ghayr-i-Jaifah Hashimah under Section 337-F(v), PPC. The injury attributed to the applicant, therefore, finds support from the medical record. The prosecution witnesses, in their statements recorded under Section 161, Cr.P.C., have also supported the version given in the FIR.

7. The defence has relied upon the dispute over agricultural land to allege false implication and mala fide on the part of the complainant. The dispute between the parties is reflected from the record, but that circumstance alone is not enough to show that the applicant is being arrested for an ulterior purpose. The allegation against him is specific and is supported by the nature and seat of the injury shown in the medical record. At this stage, therefore, no sufficient material is available to infer that the intended arrest of the applicant is merely aimed at humiliating him.

8. It is true that the offence attributed to the applicant does not fall within the prohibitory clause of Section 497(1), Cr.P.C. In the case of Shameel Ahmed v. The State (2009 SCMR 174), the Hon'ble Supreme Court, while considering the question of bail in an offence falling outside the prohibitory clause, observed that "*it is not a rule of universal application*" and that each case has to be examined in the light of its own facts and circumstances. The Court further observed that discretion in the matter of bail cannot be exercised arbitrarily, fancifully or perversely. Thus, the mere fact that an offence falls outside the prohibitory clause does not by itself conclude the question of bail; the facts and circumstances of the particular case remain relevant.

9. As regards the delay in registration of the FIR, the record shows that the occurrence allegedly took place on 11.04.2026 and was reported to the police on the same day, whereupon an N.C. was recorded and the complainant was referred for medical examination. The FIR was subsequently registered on 14.04.2026 after receipt of the medical certificate. There was, therefore, no delay in reporting the occurrence to the

police, and the interval in formal registration of the FIR, in these circumstances, does not support the plea of false implication.

**10.** In view of the above, particularly the specific role attributed to the applicant, the medical support to the injury assigned to him and the absence of material showing mala fide behind his intended arrest, no case for confirmation of pre-arrest bail is made out. Consequently, the interim pre-arrest bail already granted to the applicant is recalled and the instant bail application is **dismissed**.

**11.** Observations made herein are tentative and shall not influence the trial Court.

**J U D G E**

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