

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Bail Appln. No. S-346 of 2025

Applicant : Khamiso Lashari,
Through Syed Sikandar Ali
Shah, advocate

Complainant Gul Hassan
Through M/s Imtiaz Ahmed
Bugti and Zafar Ali Malghani,
advocates

The State : Mr. Sardar Ali Solangi, D.P.G

Date of hearing 06-08-2025
Date of order 06-08-2025

ORDER

SHAMSUDDIN ABBASI, J.- Through instant criminal bail application, applicant/accused Khamiso Lashari, seeks interim pre-arrest bail in Crime No. 112/2025, for the offence U/s 324, 337-A(i), 114, 506/2, 504, 147, 148, 149 P.P.C, registered at Police Station New Foujdari, Shikarpur. Prior to this, he filed such application but the same was turned down by the learned III-Additional Sessions Judge, Shikarpur, vide order dated 19.06.2025, hence he has filed instant criminal bail application.

2. It is alleged in the F.I.R that applicant along with other co-accused came at the scene of offence and caused hatchet blow to injured complainant on his left ear.

3. Learned counsel for the applicant submits that there is inordinate delay of 22 days in lodging of F.I.R without plausible explanation; that there is inconsistency between the medical evidence and ocular version; that the applicant is Government servant and he has been falsely implicated in this case due to enmity; that the alleged offence does not come within the prohibitory clause of Section 497 Cr.P.C. He further submits that present case requires further inquiry in terms of Section 497(2) Cr.P.C. He prays for confirmation of interim pre-arrest bail.

4. On the other hand, learned counsel for the complainant assisted by learned D.P.G. has opposed for grant of pre-arrest bail on the ground that applicant is nominated in the F.I.R with specific role for causing hatchet injury on the ear of complainant and ocular version is corroborated by the medical evidence; that applicant has failed to make out his case for grant of interim pre-arrest bail, therefore, same may be dismissed.

5. Heard learned counsel for the applicant, learned counsel for the complainant, learned D.P.G and perused the material available on the record with their able assistance.

6. Admittedly the applicant is nominated in the F.I.R with specific role for causing hatchet injury to injured complainant Gul Hassan which hit on his left ear and his left ear dismembered/amputated. Per medical certificate, the injury sustained by injured Gul Hassan was declared as offence U/S 334 P.P.C as *Itlaf Salahiyat-e-Udw*, which comes within the ambit of prohibitory clause of Section 497 Cr.P.C. Prosecution witnesses have supported the case of prosecution in their statements U/S 161 Cr.P.C.

7. Prima facie, sufficient material is available on the record to connect him in the alleged offence. Even otherwise, it is well settled proposition of law that the accused is required to satisfy pre-requisite conditions for grant of pre-arrest bail on the point of malafide on the part of the complainant for false implication but in the present case, the applicant/accused has failed to make out his case for grant of pre-arrest bail on the point of malafide, therefore, the applicant/accused is not entitled for grant of pre-arrest bail, as it has been held in the case of **Mukhtiar Ahmed versus The State and others** (2016 SCMR 2064), **Gulshan Ali Solangi versus the State** (2020 SCMR 249) and **Ghulam Qadir versus The State** (2022 SCMR 750). No case for extra ordinary relief has been made out. It is upto to the trial court that would decide his post-arrest bail strictly on merits.

8. Accordingly, instant bail application is dismissed. Interim pre-arrest bail already granted to applicant vide order dated 27.06.2025 is hereby recalled.

9. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial court while deciding the case of either party at trial.