

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS**

**Crl. Bail Application No.S-85 of 2025**

**Applicants:** Nago and 06 others,  
Through Mr. Jeelaji Rajput, Advocate.

**Respondent:** The State.  
Through Mr. Ghulam Abbas Dalwani, D.P.G

**Date of hearing:** 06.08.2025

**Date of order:** 06.08.2025

**O R D E R**

**Amjad Ali Sahito, J:** Through this Bail Application, the applicants/accused seek pre arrest bail in F.I.R No.106/2024 for offence under sections 147, 148, 149, 114, 506(ii), 382, 427, 504, 337-A(i), 337-F(i) P.P.C registered at PS Islamkot, after rejection of their bail plea by the learned trial court vide order dated 27.03.2025.

2. The details and particulars of the F.I.R are already available in bail application and the F.I.R, as such, need not to reproduce the same hereunder.

3. Per learned counsel, the applicants/accused are innocent, and the complainant has falsely implicated the applicants in this case. The FIR is delayed for about 15 days, and no explanation has been furnished by the complainant. The role assigned to the applicants is general in nature, and all the sections are bailable except Section 506(ii) PPC. He submits that one of the injured persons received injury on the little finger of his hand and further submits that, after managing and obtaining the certificate from the doctor, it is impossible that if any person had given a hatchet blow to the injured, it would have hit the little finger of the hand. The applicants have joined the investigation and are no longer required for further investigation. Lastly, he prayed for confirmation of the bail.

4. Learned D.P.G opposed the grant of bail to the applicants/accused; however, he admits that, except Section 506(ii) PPC, all the sections are bailable. He has also pointed out that in this case, the complainant has disclosed that the applicants/accused persons have taken away 13 girders and 33 tyres, which is

impossible, and without the support of a vehicle, it would not be possible to take away 13 girders and 33 tyres.

5. Counsel for the complainant is called absent, however, Mr. Imam Bux advocate holds brief and states that he is busy before another bench of this court but could not show any case in which he was busy.

6. Heard and perused.

7. Upon perusal of the record, it transpires that the role attributed to the applicants/accused is of a general nature. Furthermore, the complainant has himself admitted to the existence of a civil dispute between the parties, and it is an admitted position that such civil litigation is presently pending adjudication before the competent court of law. The learned Deputy Prosecutor General has rightly pointed out that the complainant, in the FIR, has not disclosed that the accused persons allegedly removed 13 girders and 33 tyres by means of any truck or other vehicle; and it is manifestly impracticable to have transported the same on their shoulders. Moreover, the FIR has been lodged with an unexplained delay of approximately 15 days. At the stage of consideration for bail, only a tentative assessment of the material on record is permissible, without entering into a deeper appreciation of evidence. The learned counsel for the applicants has also alleged mala fides on the part of the complainant, contending that, owing to the pending civil dispute, the applicants have been falsely implicated in the present case.

8. In view of above, the learned counsel for the applicants has successfully made out a case for the grant of bail within the contemplation of subsection (2) of Section 497, Cr.P.C. Consequently, the instant bail application is allowed, and the interim pre-arrest bail earlier granted to the applicants, is hereby confirmed on the same terms and conditions.

9. The observations made in this decision are of a tentative nature and will not influence the merits of the case.

**JUDGE**