

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S-1024 of 2025

Applicant : Sadam Hussain son of Jam, by caste Chachar
Through Mr. Badruddin Indhar, Advocate

The State : Through Mr. Mansoor Ahmed Shaikh, DPG

Date of hearing : 13.11.2025
Date of order : 13.11.2025

ORDER

KHALID HUSSAIN SHAHANI, J.– Applicant, Sadam Hussain Chachar, seeks the confirmation of pre-arrest bail in a case bearing crime No. 05 of 2025, for offences under Sections 324, 114, 504, 147, 148, and 149 PPC, registered at Police Station Gudpur, District Sukkur. It is pertinent to note that the learned Additional Sessions Judge, Pano Akil, vide order dated 16.10.2025, had earlier declined bail to the applicant.

2. The prosecution alleges animosity grounded in a matrimonial dispute, as narrated by complainant Shahwnawaz, following the free-will marriage of his brother Muhammad Nawaz with Mst. Saima in 2023. The FIR reflects persistent threats from the applicant and others. The incident in question, reported on 05.07.2025, purportedly occurred when the complainant's party was intercepted at gunpoint, culminating in firearm injuries to Abdul Razzaque. The sequence of events and parties involved were detailed in the complaint, which was lodged after medical treatment was sought.

3. Learned counsel has forcefully argued that applicant is innocent and has been dragged into the matter out of familial rivalry, as conceded within the FIR. The FIR's lodging after a day's delay casts doubt, suggestive of consultation and deliberation. Critically, the complainant's initial visit to the police station was for medical reference only, without

naming any accused, a material omission at the inception. Furthermore, material contradiction arises between the ocular account and medical evidence. Whereas the prosecution alleges firearm injury to the right leg, the medical certificate notes wounds on the left lower leg. This medical inconsistency squarely places the case in the realm of further inquiry, as the exact factum of the injury remains subject to adjudication at trial. Importantly, the attributed injury is classified as *Ghayr-jaiyah mutalahimah*, punishable under Section 337-F(iii) PPC with imprisonment for three years, thus it does not attract the prohibitory clause of Section 497(1) Cr.P.C. Notably, co-accused Sajid Ali, Abdul Waheed, and Abdul Hafeez have already been granted pre-arrest bail, and the established doctrine of consistency entitles the present applicant to similar treatment.

4. The learned DPG has fairly conceded that the medical record is contradicted by the prosecution witnesses' ocular account.

5. Upon thoughtful consideration of submissions and a meticulous review of the case file, it is manifest that the prosecution's allegations hinge on a matrimonial grievance and subsequent enmity, culminating in the alleged firing by the applicant on the complainant's brother. Strikingly, the medical evidence does not corroborate the FIR's account as no firearm injury is documented on the right leg, while both observed injuries are on the left lower leg, as delineated in the medico-legal report and both assessed as *Ghayr-jaiyah mutalahimah*. This discrepancy constitutes a clear ground for further inquiry, entitling the applicant to bail consideration under the law. The doctrine of consistency, as reaffirmed in *Muhammad Shafiq v. The State* (2016 SCMR 920), mandates that parity of relief be extended to accused similarly situated unless differentiated by substantive grounds, which is not the case here.

6. There is no evidence on record that the applicant has abused the concession of interim bail. Furthermore, with the investigation complete and the challan submitted, custodial interrogation of the applicant is unnecessary. On a tentative appraisal, the applicant has established sufficient grounds for confirmation of bail.

Accordingly, interim pre-arrest bail granted to the applicant on 23.10.2025 is confirmed on same terms and conditions.

7. It is clarified that the above observations are tentative and shall not prejudice the merits of either side during trial.

J U D G E