

## IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail Appln. No. S-857 of 2025

&

Cr. Bail Appln. No. S-1056 of 2025

Applicants : 1) Asad Ali son of Niaz Ali, by caste Mari Baloch  
*Through Mr. Waqar Ali Phulpoto, Advocate*  
2) Ghulam Hussain s/o Arbab, by caste Mari  
*Through Mr. Ghulam Mustafa Buriro, Advocate*  
Complainant : Illahi Bux s/o Ameer Bux, Mari  
*Through Mr. Mushtaque Ahmed Shah, Advocate*  
The State : *Through Mr. Mansoor Ahmed Shaikh, DPG*  
Date of hearing : 12.02.2026  
Date of short order : 12.02.2026  
Reasons recorded on : 18.02.2026

### **ORDER**

**KHALID HUSSAIN SHAHANI, J.** — This common order disposes of the captioned bail applications arising out of Crime No.312/2024, for offences under Sections 324, 34, 337-F(v), and 337-F(vi) PPC, registered at P.S Baberloi, District Khairpur,. Applicant Asad Ali seeks pre-arrest bail, while Ghulam Hussain seeks post-arrest bail, both having earlier been declined the same by the learned trial Court.

2. Briefly, it is alleged that due to a subsisting matrimonial dispute between the complainant's nephew and a relative of the accused, the applicants, accompanied by others, assaulted the complainant and his family with pistol butts, during which Asad Ali allegedly fired upon Abdul Razzaque, injuring him on the right thigh.

3. Learned counsel for Asad Ali contends that the FIR was lodged with unexplained delay of one day; that no independent corroboration exists; and that the injury attributed to the applicant, being on a non-vital part, does not *prima facie* attract Section 324 PPC. It is urged that the case calls for further inquiry under Section 497(2) Cr.P.C.

4. Learned counsel for Ghulam Hussain adopts the foregoing submissions and adds that his client's role is identical to that of co-accused

Sohbat Ali, already granted pre-arrest bail by the trial Court; thus, on the principle of parity, he too merits the same consideration.

5. Conversely, learned counsel for the complainant, supported by the learned DPG, opposes the applications, asserting that both applicants are specifically named with active participation and that the ocular and medical evidence is mutually corroborative.

6. Heard and examined. The firearm injury attributed to Asad Ali has landed on the thigh, a non-vital region and is devoid of any medical indication of grievous or life-threatening consequence. *Prima facie*, the application of Section 324 PPC is a matter to be tested at trial. The delay in FIR registration and absence of independent witnesses render the matter open to further inquiry within the contemplation of Section 497(2) Cr.P.C. The interim pre-arrest bail has not been misused; the investigation is complete and the challan submitted.

7. As to Ghulam Hussain, the allegation pertains to causing butt blows only, analogous to the role of co-accused Sohbat Ali, already enlarged on pre-arrest bail. On the doctrine of consistency, his case too attracts Section 497(2) Cr.P.C.

8. Consequently, the interim pre-arrest bail granted to Asad Ali in Cr. Bail Application No. S-857/2025 is confirmed on the same terms, whereas applicant Ghulam Hussain in Cr. Bail Application No. S-1056/2025 is admitted to post-arrest bail upon furnishing solvent surety in the sum of Rs.50,000/- with a P.R. bond in like amount to the satisfaction of the trial Court, as per short order dated 12.02.2026.

9. The observations herein are tentative and shall not influence the trial Court at the stage of final determination.

Office to annex a copy of this order in the connected file.

**J U D G E**