

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S-1190 of 2025

Applicant : Allah Obhayo s/o Nawab, by caste Ujjan
Through Mr. Faiz Muhammad Brohi,
Advocate

The State : Through Mr. Muhammad Raza Katohar, DPG

Dated of Hearing : 16.02.2026

Dated of order : 16.02.2206

ORDER

KHALID HUSSAIN SHAHANI, I.— The applicant seeks confirmation of interim pre-arrest bail earlier extended on 11.12.2025 in Crime No. 161 of 2025, for offences under Sections 302, 337-H(2), 337-F(i), 337-A(i), 109, 504 and 34 P.P.C, registered at Police Station Tharoshah, District Naushahro Feroze,. The applicant's previous plea for pre-arrest bail was declined by the learned 1st Additional Sessions Judge/(MCTC), Naushahro Feroze, vide order dated 03.12.2025.

2. Per the contents of the F.I.R. lodged by complainant Bachal, on 14.10.2025 at about 8:00 a.m., an armed assault was allegedly perpetrated by the applicant and other accused upon the complainant's family near their residence. Co-accused Sajjan is attributed with having fired upon the complainant's son, Sachal, who sustained grievous injuries and later succumbed thereto. The present applicant, along with co-accused Akhtar, is alleged to have caused simple injuries to the complainant with the blunt side of a hatchet, resulting in registration of the instant case.

3. Learned counsel for the applicant contends that the applicant has been falsely implicated on account of mala fide and ulterior motives. The injuries attributed to him, counsel argues, are simple, bailable and non-cognizable in character. It is further submitted that co-accused Malook, against whom the role of instigation is ascribed, enjoys the concession of pre-arrest bail granted by the learned Additional Sessions Judge-I/(MCTC), Naushahro Feroze, and the applicant's participation under the doctrine of common intention remains a matter to be adjudicated at trial.

4. Learned Deputy Prosecutor General, conversely, has resisted the plea for confirmation by urging that the F.I.R. was promptly lodged; that the applicant is specifically nominated with a defined role and shared common intention in the commission of a capital offence.

5. Having given anxious consideration to the record and the rival contentions, it appears that the principal role of inflicting the fatal injury upon the deceased Sachal with a firearm is attributed to co-accused Sajjan, whereas the present applicant and co-accused Akhtar are alleged only to have delivered a single blow with the blunt side of a hatchet to the complainant, declared by the medical officer as simple in nature, falling within the purview of Section 337-L(ii), P.P.C, a bailable and non-cognizable offence. Co-accused Malook, to whom the role of abetment or instigation is assigned, stands on pre-arrest bail extended by the competent Court on

11.11.2025. The parties are closely related and admittedly embroiled in prior acrimony. The challan has been submitted, and there is nothing on record suggesting abuse of concession extended under the interim pre-arrest bail.

6. In the totality of circumstances, it would be premature to conclusively determine at this stage that the applicant shared common intention in causing the homicidal death. The applicant has thus succeeded in making out a case for confirmation of pre-arrest bail. Consequently, the instant application is allowed, and the interim pre-arrest bail granted to the applicant on 11.12.2025 is hereby confirmed on the same terms and conditions.

7. It is, however, clarified that the observations expressed herein are tentative and shall not prejudice the trial Court while determining the case on its merits.

J U D G E