

## IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail Appln. No. S-153 of 2026

Applicant : Shafiq ur Rehman S/o Raheem Bux, Jhandeer  
Through Mr. Nadeem Khan Lashari, Advocate

The State : Through Mr. Mansoor Ahmed Shaikh, DPG

Date of hearing : 12.03.2026  
Date of order : 12.03.2026

### **ORDER**

**KHALID HUSSAIN SHAHANI, J.**— Applicant Shafiq-ur-Rahman, seeks enlargement on pre-arrest bail in connection with Crime No.216/2025, for offences proscribed under Sections 324, 186, 353, 504, 147 and 148 of the Pakistan Penal Code, 1860, registered at Police Station Baiji Shareef, District Sukkur. The antecedent application for identical relief having been repelled by the learned Additional Sessions Judge, Pano Akil, vide his reasoned order dated 06.01.2026.

2. Distilling the factual matrix from the record, it transpires that the complainant, Sub-Inspector Abdul Rasheed Jakhro, attached to Police Station Baiji Shareef, lodged the subject FIR alleging that on 26.12.2025 at about 1530 hours, he, in the company of police constables Abdul Jabbar and Shafi Muhammad, was discharging his official duties within the precincts of the police station when the accused persons, namely Riaz Hussain, Adnan, Raheem Bux, the present petitioner Shafiq ur Rahman, and one unidentified individual, descended upon the said premises armed with lathis. The prosecution narrative avers that the rival factions engaged each other in mutual assault with the aforesaid weapons with the avowed intent to commit murder; that upon the intervention of the police contingent, the accused persons obstructed the public servants in the discharge of their sovereign duties, subjected them to contumely and verbal abuse, and in a

demonstration of brazen contumacy, rent asunder the official shirt and forcibly dislodged the belt of Police Constable Abdul Jabbar, thereby causing damage to government uniform. It is further narrated that whilst two of the accused persons were secured on the spot along with their weapons, the remainder, including the present applicant, succeeded in effecting their escape, whereafter the instant FIR was set in motion.

3. The learned counsel appearing on behalf of the applicant, with considerable vehemence, urged that the applicant has been falsely enmeshed in the present criminal proceeding as a consequence of pre-existing inter-party animosities, and that the impugned FIR is conspicuously bereft of any particularization of a specific overt act attributable to the applicant in his individual capacity. Learned counsel further contended that the very invocation of Section 324 P.P.C, a provision presupposing an attempt to commit murder is rendered constitutionally suspect by the undisputed absence of any medico-legal certificate or injury report, notwithstanding that the instruments allegedly employed were nothing beyond common *lathis*. It was additionally pressed into service that the prosecution witnesses, being police officials subordinate in rank to the complainant himself, are inherently interested in prosecutorial success and their testimony, untested at trial, must be viewed with circumspection. In culmination, learned counsel submitted that the totality of these circumstances brings the matter squarely within the purview of further inquiry as contemplated under the proviso to Section 497(2) of the Code of Criminal Procedure, 1898.

4. Learned Deputy Prosecutor General, in opposition thereto, strenuously resisted the grant of bail on the ground that the petitioner stands specifically nominated in the body of the FIR and that the audacity of the alleged transgression is manifested by the fact that it was perpetrated within the sacrosanct precincts of a police station, thereby reflecting the aggravated gravity of the offence.

5. This Court has bestowed its anxious consideration upon the rival submissions advanced at the bar and has subjected the available record to a careful, albeit tentative, scrutiny, as is the permissible scope of adjudication at the pre-trial stage. It is a well-entrenched canon of criminal jurisprudence that while adjudicating a pre-arrest bail application, the Court is not called upon to embark upon a definitive evaluation of evidence or to render any conclusive finding upon the guilt or innocence of the accused; the inquiry at this stage is necessarily circumscribed to a *prima facie* and tentative appraisal of the material placed before the Court. Reference in this behalf may be made with profit to the celebrated dicta enunciated in *Tariq Bashir v. The State* (PLD 1995 SC 34), wherein the august Supreme Court of Pakistan expounded that the benefit of doubt, operating even at the interlocutory bail stage, is to be extended to an accused where the case is one that calls for further inquiry into the guilt of the petitioner.

6. Adverting to the factual conspectus of the present case, it is discernible that the culpability ascribed to the petitioner is predicated substantially upon his alleged presence at the locus in quo in the company of co-accused persons, armed with lathis. The FIR itself, read in its entirety, reveals that both rival factions engaged in reciprocal assault; yet, conspicuously, no medico-legal evidence has been placed before this Court to lend credence to the invocation of Section 324 P.P.C, a provision of considerable penal consequence which postulates an intentional attempt on human life. The role attributed to the present applicant is of an omnibus and indiscriminate character, devoid of any specific, individualized overt act that could, even *prima facie*, independently attract the rigors of the aforementioned penal provision.

7. No less significant is the circumstance that the allegation pertaining to the desecration of government uniform has been laid at the

collective door of the accused without differentiation, thereby rendering the precise complicity of the applicant a matter that is inextricably intertwined with the appreciation of evidence, an exercise that must, of necessity, await the forum of trial. At this juncture, the material on record does not furnish sufficient juridical foundation to establish an unequivocal nexus between the petitioner and the commission of a non-bailable offence warranting stern penal consequences. In the cumulative perspective of the foregoing, this Court is persuaded that the case of the petitioner falls squarely within the ambit of further inquiry as envisaged under the proviso to Section 497(2) of the Code of Criminal Procedure, 1898.

8. In the totality of the aforesaid considerations and in the light of the principle of tentative assessment, this Court finds sufficient substratum to extend the concession of pre-arrest bail to the applicant. Consequently, the instant application is hereby allowed and the ad interim pre-arrest bail earlier granted in favour of the applicant is confirmed on the same terms and conditions as previously imposed.

9. It is unequivocally clarified, lest there be any misapprehension, that all observations recorded herein are purely tentative, interlocutory and confined exclusively to the determination of the present bail application. They shall neither constitute a finding on merits nor shall they occasion any prejudice to either party or in any manner circumscribe, fetter or influence the learned trial Court in its independent adjudication of the case on its merits upon the evidence adduced at trial.

**J U D G E**