

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail Appln. No. S-728 of 2024

Applicant : Allah Bux S/o Ahmed Khan, Qambrani,
Through Mr. Ghulam Shabbir Shar, Advocate

Complainant : Ghulam Akbar alias Muhammad Akram s/o
Bangal Khan, by caste Qambrani
Through Mr. Achar Khan Gabol, Advocate

The State : *Through Mr. Mansoor Ahmed Shaikh, DPG*

Date of hearing : 09.03.2026
Date of order : 12.03.2026

ORDER

KHALID HUSSAIN SHAHANI, J.—Applicant Allah Bux, seeks pre-arrest bail in connection with Crime No.92 of 2024, for offences under Sections 324, 334, 148, 149 and 337-H(2) of the Pakistan Penal Code, 1860, registered at Police Station Faiz Ganj, District Khairpur. The Additional Sessions Judge-II Khairpur declined this concession vide order dated 09.10.2024, while extending it to co-accused ascribed with peripheral roles, compelling the present recourse.

2. The prosecution narrative, as crystallized in FIR No. 92 of 2024 and the attendant investigative material, attributes to the present applicant a singular and specific act on 20.05.2024 at about 1800 hours, the applicant actuated by animus arising from an antecedent land dispute in which the complainant had aligned himself with a rival levelled a repeater at the complainant and discharged a shot with the avowed intention to commit his murder. The projectile struck the complainant's left hand, causing a grievous firearm injury that ultimately necessitated amputation of the affected limb, save the thumb. The remaining accused are attributed with aerial firing in furtherance of the common object before absconding from the scene.

3. Learned counsel for the applicant has urged, with industry if not ultimate persuasive force, that the prosecution genesis is vitiated by pre-existing enmity and civil litigation between the applicant and one Jan Muhammad Odhano; that the temporal interregnum of twenty-four hours between the occurrence and the lodgment of the FIR is indicative of deliberation and fabrication; and that the proximity-indicating features of blackening and charring around the wound are inconsistent with the asserted trajectory of events, suggesting a self-inflicted injury. Considerable reliance has been placed upon the circumstance that the medico-legal certificate of RHC Faiz Ganj was assailed before the competent health authority, and that a Special Medical Board initially kept the same in abeyance. Authorities cited in support include (2024 SCMR 805), (2022 SCMR 1946), (2022 MLD 1088), (2021 MLD 2106), (2020 P.Cr.L.J Note 166) and (2013 YLR 1450).

4. Learned counsel for the complainant, reinforced by the learned Deputy Prosecutor General, has resisted the application with equal vigour, drawing sustenance from (2021 SCMR 1157), (2024 P.Cr.L.J 940), (2020 SCMR 1486), (2023 P.Cr.L.J Note 86), (2025 YLR 707), (2009 SCMR 725) and (2023 SCMR 1068), which, in their cumulative effect, reaffirm that pre-arrest bail is a remedy of exceptional and sui generis character, to be dispensed sparingly and only upon credible demonstration that the intended arrest is the instrument of mala fide, harassment or abuse of process, conditions conspicuously absent in the present case.

5. The legal architecture governing anticipatory bail admits of no ambiguity. The remedy is extraordinary in provenance and restrictive in application; its grant is warranted only where the criminal process is demonstrably deployed as a vehicle of oppression against an innocent

person, and not as a shield against legitimate prosecution. As enunciated in case of *Riaz Ahmed v. The State* (2009 SCMR 725), offences attracting the prohibitory clause of Section 497(1) Cr.P.C carry a presumption against bail, rebuttable only upon satisfying one of the recognised exceptions, further inquiry, subsidiary role, statutory entitlement or established mala fide. In *Bakhti Rahman v. The State* (2023 SCMR 1068), the apex Court further circumscribed the pre-arrest jurisdiction in cases where a specific role is corroborated by medical evidence, holding that in such circumstances the concession ought not to issue absent compelling exculpatory material.

6. The plea of enmity, however earnestly advanced, cannot, without more, discharge the applicant's onerous burden at this stage. The cited authorities including (2024 SCMR 805) and (2022 SCMR 1946) articulate the proposition that antecedent hostility may, in appropriate factual settings, cast a shadow over the prosecution narrative. That proposition, being inherently contextual, has no purchase upon a case where the attribution is specific and discrete, the injury is medically documented, and the suggested fabrication rests entirely upon conjecture unsupported by any tangible extraneous material.

7. The argument premised upon the alleged fragility of the medico-legal certificate is equally unavailing. Whereas the initial sequestration of the certificate by the Special Medical Board was relied upon to impugn the prosecution case, the subsequent report of that very Board, upon comprehensive examination, found the injury to have resulted in amputation of the left hand save the thumb, with the opinion that such injury could ordinarily be consistent with the discharge of a shotgun barrel. These findings, far from lending credence to the defence

thesis of self-infliction or fabrication, *prima facie* fortify the prosecution version and render the applicant's plea improbable at this provisional juncture.

8. Upon the totality of the material placed before this Court, the following determinative features emerge: (i) the allegation against the applicant is specific, direct and unambiguous, particularizing him as the sole author of the firearm discharge; (ii) the ocular account is, at a *prima facie* level, in consonance with the medico-legal findings, including the severity of injury and its sequelae; (iii) the applicant has adduced no tangible material capable of elevating the plea of mala fide above the level of bare assertion; and (iv) the order of the learned Additional Sessions Judge-II, Khairpur, distinguishing the applicant from co-accused on the basis of attributed role and gravity of injury, discloses no legal infirmity susceptible to correction in the exercise of this Court's supervisory jurisdiction.

9. In the result, this Criminal Bail Application is dismissed as being bereft of merit. The interim pre-arrest bail earlier extended to the applicant is hereby recalled and vacated. It is clarified, *ex abundanti cautela*, that all observations herein are tentative and provisional, confined solely to the exigencies of adjudicating the present bail petition, and shall neither prejudice nor bear upon the learned trial Court's independent and unfettered appraisal of the evidence at trial.

J U D G E