

IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA

1<sup>st</sup> Criminal Bail Application No. S-697 of 2025

Applicant : Noor Khan son of Ali Hassan Brohi,  
through Mr. Sajid Hussain Mahessar,  
Advocate.

Complainant : Through Mr. Nooruddin Mahessar,  
Advocate,

The State : Mr. Nazir Ahmed Bhangwar,  
D.P.G for State.

Date of hearing : 16.03.2026  
Date of Order : 18.03.2026.

**ORDER**

**Abdul Hamid Bhurgri, J.**- The applicant Noor Khan son of Ali Hassan Brohi, seeks post-arrest bail in Crime No.26/2025, registered at Police Station Lashari, District Larkana, for the offences punishable under Sections 324, 337-A(i), 337-A(ii), 337-F(i), 337-F(v), 337-H(ii), 114, 148 and 149 P.P.C., after dismissal of his post-arrest bail application by the learned trial Court vide order dated 19.11.2025.

2. According to the F.I.R., on 07.06.2025 at about 10:30 a.m., the applicant armed with a hatchet along with co-accused namely Meer Hassan @ Foji armed with a gun, Ali Hassan armed with a lathi, Noorullah armed with a hatchet, Noor Ahmed armed with a danda, Noor Hussain armed with a pistol, Ashiq armed with a pistol and one unknown accused armed with a gun allegedly appeared in the street. It is alleged that on the instigation of co-accused Ali Hassan, co-accused Meer Hassan @ Foji made a direct fire from his gun at the complainant's brother Gulsher, which hit him below his right knee. The present applicant allegedly caused

injuries to Illahi Bux with the backside of a hatchet (non-cutting side) on his head. Co-accused Noorullah allegedly caused injuries with the backside of a hatchet (non-cutting side) to Abdul Razak on his head and right arm. Co-accused Noor Ahmed allegedly caused danda blows to Gulsher, whereas Ali Hassan allegedly caused lathi blows to Illahi Bux and Abdul Razak. Thereafter co-accused Ashiq, Noor Hussain, Meer Hassan @ Foji and the unknown accused allegedly made aerial firing and all the accused fled away from the place of incident. The F.I.R. was lodged on 15.06.2025.

3. Learned counsel for the applicant contended that the F.I.R. has been lodged with a delay of about eight days, for which no plausible explanation has been furnished. He further submitted that prior to this case the applicant's mother Mst. Tasleem Khatoon had lodged FIR No.25/2025 against the witnesses of the present case regarding the same incident. He further contended that co-accused Noor Hussain has already been granted pre-arrest bail by the learned Additional Sessions Judge, Ratodero vide order dated 07.07.2025, while co-accused Meer Hassan @ Foji has also been granted pre-arrest bail by this Court vide order dated 15.08.2025. He lastly submitted that the alleged offence attributed to the applicant does not fall within the prohibitory clause of Section 497, Cr.P.C., therefore the applicant's case calls for further inquiry.

4. Conversely, learned counsel for the complainant argued that the applicant is specifically nominated in the F.I.R. with the allegation of causing injury to Illahi Bux on his head and that such

version is supported by ocular as well as medical evidence; therefore he prayed for dismissal of the bail application. Learned D.P.G. for the State also opposed the bail application reiterating the same grounds as agitated by the complainant's counsel.

5. Heard learned counsel for the parties and perused the material available on record. The F.I.R. reflects previous enmity between the parties over the matter of a path and there is a delay of about eight days in the lodgment of the F.I.R., for which no satisfactory explanation has been furnished. The applicant is alleged to have caused injuries to injured PW Illahi Bux with the backside of a hatchet (non-cutting side) on the mid and left side of his head, which were declared to be Shajjah-i-Mudihah, carrying punishment up to five years, thus the offence attributed to the present applicant does not fall within the prohibitory clause of Section 497, Cr.P.C. Besides, co-accused Mir Hassan @ Foji, who is alleged to have caused firearm injury to injured P.W. Gulsher, has already been granted pre-arrest bail by this Court vide order dated 15.08.2025. Furthermore, the record reflects that on the same day, FIR No.25/2025 was lodged by the applicant's mother, Mst. Tasleem Khatoon, against the prosecution witnesses of the present case with regard to the same incident, wherein the said co-accused Mir Hassan @ Foji was shown as injured, which prima facie indicates the existence of a counter version. It further appears that the parties are at loggerheads over a dispute relating to a plot/path, with each side alleging the other to be the aggressor. The true factual position can only be ascertained after recording of

evidence by the learned trial Court. In such circumstances, the case falls within the ambit of further inquiry as contemplated under Section 497(2), Cr.P.C.

6. In view of the above circumstances, the applicant has made out a case for grant of bail. Consequently, the instant bail application is allowed and the applicant is admitted to post-arrest bail, subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees One Hundred Thousand only) and P.R. bond in the like amount, to the satisfaction of the learned trial Court.

7. The observations made herein are tentative in nature and shall not prejudice the case of either party at the trial.

*J U D G E*