

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

*Criminal Bail Application. No. S-564 of 2025
(Yousif Chandio vs. The State)*

Applicant : Yousif Ali Chandio, *through*
Mr. Riaz Ali Shaikh, Advocate.

The State : *through* Syed Sardar Ali Shah Rizvi,
Additional Prosecutor General.

Complainant : Mujahid Ali, *through*
Mr. Ali Akbar Shar, Advocate.

Date of hearing : 30.03.2026

Date of Order : 30.03.2026.

ORDER

Ali Haider 'Ada' J; Through this bail application, the applicant seeks pre-arrest bail in Crime No. 13/2025, registered at Police Station Ahmedpur, District Khairpur, for offences punishable under sections 302, 114, 337A(i), 337F(i), 337H(2), 504, 147, 148, and 149 of the Pakistan Penal Code. The incident is reported to have occurred on 14.02.2025, whereas the FIR was lodged on 18.02.2025. Prior to the filing of the instant application, the applicant approached the learned Additional Sessions Judge-I / MCTC, Khairpur, who declined his bail, prompting the present application for pre-arrest bail.

2. The prosecution case is that the applicant, along with other accused, assaulted the complainant party, in the course of which one Jalal sustained injuries and subsequently died on 17.02.2025, while other members of the complainant party, namely Mujahid (complainant), Mst. Jinsar, Mst. Zameeran, and Mst. Amina, also sustained injuries. It is alleged that the applicant, Yousif Ali, inflicted a knife injury on the right side of the eye of a victim, whereas co-accused Kamran inflicted injuries using a lathi, and Rizwan caused injuries to the face. Following medical treatment and the issuance of medical letters, the FIR was lodged, usual

investigation was conducted, and the challan has been submitted to the Competent Court.

3. The learned counsel for the applicant contends that there was delay in the registration of the FIR, that the applicant has been falsely implicated, and that the injuries allegedly caused by him fall within a bailable category. He further submitted that co-accused Parvez has already been granted bail and prayed for grant of pre-arrest bail in the present case.

4. On the other hand, the learned counsel for the complainant submitted that there was no prior enmity between the parties, multiple persons were injured, including one fatality, and the offence was committed in a pre-planned manner. He noted that the Additional Sessions Judge-I had previously declined bail to co-accused Basheer and Rizwan, whose roles are comparable to that of the present applicant, and therefore prayed for dismissal of the instant bail application.

5. The learned law officer submitted that the case is not a simple matter and does not fall under a bailable offence, noting that multiple persons were injured and vicarious liability also applies to the applicant. He further submitted that the complainant promptly obtained medical treatment on 14.02.2025, as evidenced by letter No. 129, negating any claim of delay in action. Reliance is placed on the case law reported as 2002 SCMR 129 (Re: Innayat vs. The State), and it is further submitted that bail in such serious offences involving multiple victims and a death is not ordinarily granted.

6. Heard and perused the material available on record.

7. As per the contents of the FIR, it is alleged that the present applicant caused an injury to the complainant on his right eye with a knife, a sharp-edged weapon. Upon perusal of the record, it appears that the medical certificate issued by the Medical Officer states that the injuries were caused by a hard and blunt object. The

complainant, however, contends that the injuries were inflicted by a sharp cutting-edged weapon. This inconsistency between the FIR and the medical certificate indicates that the precise nature of the weapon causing the injury is not corroborated by the medical report. Reliance is placed on *Mir Muhammad v. The State, 2024 SCMR 805*, wherein the Honorable Supreme Court observed that inconsistencies between the injuries described in the FIR and the initial medico-legal report could indicate the possibility of fabricated or exaggerated injuries.

8. Furthermore, once the complainant appeared before the police and succeeded in obtaining a medical treatment letter, it is a matter to be determined at the trial why the FIR was not lodged and the facts were not narrated to the police at that time. In this regard, reliance may be placed on *Mazhar Ali v. The State, 2025 SCMR 318*, wherein it was held that an unexplained delay in lodging the FIR may constitute a significant ground in favor of granting bail.

9. So far as the question of vicarious liability is concerned, the Honorable Supreme Court in the recent judgment of *Binyameen v. The State, 2026 SCMR 99* observed that it is a matter to be determined at the trial whether the accused shared a common intention with the nominated co-accused in committing the murder of the deceased and causing firearm injuries to two others, and whether he was vicariously liable for the occurrence.

10. According to the material on record, the role of the applicant falls under Section 337A(i) PPC, which, as per the medical certificate, constitutes a bailable offence. It is a settled principle that bail is intended to release a person on furnishing a surety and does not amount to acquittal. This principle has been recognized in *Haji Muhammad Nazir v. The State, 2008 SCMR 807*.

11. Keeping in view the above-mentioned facts and circumstances, the instant bail application is hereby allowed. The

interim pre-arrest bail previously granted to the applicant vide order dated 07.07.2025 is confirmed on the same terms and conditions. It is needless to say that the observations made herein are tentative in nature and shall not prejudice the trial of the case.

JUDGE