

IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANA

1st Criminal Bail Application No. S-74 of 2026

Applicants : 1. Sajjad Ali @ Sajjad son of Mashooq Ali @
Mashooque Chandio,
2. Bashir Ahmed @ Bashir son of Ghulam Nabi
Chandio,
3. Khadim Hussain @ Khadim Chandio son of Qadir
Bux,
4. Ghulam Sarwar son of Qadir Bux Chandio,
through Mr. Irshad Ali Chandio, Advocate.

Complainant : Muhammad Khan, through Mr. Muhammad Mithal
Lak, Advocate.

The State : Mr. Sardar Ali Solangi, D.P.G for State.

Date of hearing : 09.04.2026
Date of Order : 09.04.2026.
Date of Reasons : 10.04.2026.

ORDER

ABDUL HAMID BHURGRI, J.- Through the instant bail application, the applicants/accused namely (i) Sajjad Ali @ Sajjad son of Mashoq Ali @ Mashoq Ali Chandio, (ii) Bashir Ahmed @ Bashir son of Ghulam Nabi Chandio, (iii) Khadim Hussain @ Khadim Chandio son of Qadir Bux, and (iv) Ghulam Sarwar son of Qadir Bux Chandio seek pre-arrest bail in Crime No.23 of 2025, registered at Police Station Waris Dino Machi, District Larkana, for offences punishable under Sections 336, 337-A(i), 114, 504 and 34, P.P.C., after dismissal of their bail application by the learned Additional Sessions Judge, Ratodero, vide order dated 12.02.2026.

2. As per F.I.R, on 09.12.2025 at about 1045 hours, at the instigation of applicant Khadim Hussain, co-applicant Ghulam Sarwar allegedly caused lathi blows to Lutuf Ali on his waist and left arm, while applicant Sajjad Ali allegedly caused a pistol-butt blow to the complainant on his right eye. Thereafter, all the accused allegedly

caused further injuries and fled from the place of occurrence while hurling abuses. The F.I.R., however, was lodged on 31.12.2025.

3. Learned counsel for the applicants contended that the F.I.R. has been lodged with considerable delay; that the parties are admittedly at enmity; that the role attributed to applicants Bashir Ahmed, Khadim Hussain and Ghulam Sarwar is not of such nature as to attract the prohibitory clause; and that their case calls for further inquiry. He further submitted that the medical certificate has been challenged before the Special Medical Board and the matter is sub judice. In support of his submissions, reliance has been placed upon 2023 SCMR 1712 and 2023 SCMR 1729.

4. Conversely, learned counsel for the complainant, duly assisted by learned Deputy Prosecutor General, opposed the bail application and submitted that applicant Sajjad Ali has been attributed a specific role of causing a serious injury resulting in loss of vision, attracting the prohibitory clause.

5. I have heard learned counsel for the parties and perused the material available on record. So far as applicants Bashir Ahmed, Khadim Hussain and Ghulam Sarwar are concerned, the roles attributed to them are distinguishable and, tentatively, are not shown to have independently caused any injury attracting the prohibitory clause. Their precise liability, including the applicability of Section 34, P.P.C, would require deeper appreciation of evidence at trial. In their case, therefore, further inquiry within the meaning of Section 497(2), Cr.P.C is made out. The delay in lodging the F.I.R and admitted enmity between the parties, though not decisive, lend further support to the

tentative view so formed. However, the case of applicant Sajjad Ali stands on a different footing. He has been attributed a specific and distinct role of causing a pistol-butt blow to the complainant on his right eye, which, according to the prosecution, resulted in loss of vision. The injury has been shown to have been classified as Itlaf-i-Salahiyyat-i-Udw, punishable under Section 336, P.P.C, carrying punishment up to ten years, thus falling within the prohibitory clause. At this stage, the allegation prima facie finds support from the available ocular account as well as medical material. Mere pendency of proceedings before the Special Medical Board does not, at this stage, negate the existing medical evidence.

6. It is settled law that pre-arrest bail is an extraordinary relief to be granted sparingly in exceptional circumstances where mala fide or ulterior motive is apparent on the face of the record. Reference may be made to ***Tariq Bashir v. The State (PLD 1995 SC 34)***. Insofar as applicant Sajjad Ali is concerned, no such exceptional circumstance has been demonstrated so as to justify the exercise of this extraordinary relief in his favour.

7. The case law relied upon by learned counsel for the applicants is distinguishable on facts, as in the present case a specific and grievous role has been attributed to applicant Sajjad Ali, which prima facie attracts the prohibitory clause.

8. In view of the above, the applicants namely Bashir Ahmed, Khadim Hussain and Ghulam Sarwar have made out a case for grant of bail; accordingly, the interim pre-arrest bail earlier granted to them is hereby confirmed on the same terms and conditions. However, the

bail application of applicant Sajjad Ali is dismissed and his interim pre-arrest bail is recalled.

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

10. These are the reasons for my short order dated 09.04.2026.

JUDGE