

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Cr. Misc. Application No.S- 27 of 2026
[Ali Ahmed v. Ahmed Ali & others]

Date	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on M. A. No.377/2026.
2. For orders on office objection.
3. For orders on M. A. No.378/2026.
4. For hearing of Main Case.

Crime No.44/2024, PS Ghouspur.

u/s: 337-A(i), 337-F(i), 337-A(iii),
504, 147, 148, PPC

Mr. Imtiaz Ali Mugheri, Advocate for Applicant.

Date of hearing & order : 26.01.2026.

ORDER

Adnan Iqbal Chaudhry, J.- The Applicant, who is the Complainant of subject FIR, seeks cancellation of pre-arrest bail granted to Respondents 1 to 4 by the Additional District & Sessions Judge-II, Kandhkot by order dated 10.12.2025.

2. Heard learned counsel and perused the record.
3. In the background of a dispute over a right of way, the FIR alleged that Respondents 1 to 4 attacked the Complainant and his two companions with lathis and inflicted grave injuries. Provisional medical certificates classified those injuries as non-cognizable. Therefore, as recommended by the I.O., the Magistrate disposed of the FIR under 'C' Class. To the extent of his own injury, the Applicant/Complainant questioned the MLO's certificate before a Medical Board, which classified his injury as *shajjah-i-hashimah*, cognizable under section 337-A(iii) PPC. Based on the latter certificate, the Magistrate ordered reinvestigation. The I.O. once again recommended disposal of the case in 'C' Class, however, this time, the Magistrate did not agree. Therefore, by a supplementary charge sheet, section 337-A(iii) PPC was added to

the alleged offences. However, since a non-bailable offence was added in the supplementary charge sheet, and the FIR was with a delay of 1 month and 7 days, the learned Additional District & Sessions Judge was inclined to grant pre-arrest bail to Respondents 1 to 4.

4. Learned counsel for the Applicant/Complainant submits that the offence punishable under section 337-A(iii) PPC is non-bailable, and the extraordinary relief of pre-arrest bail can only be granted where the accused person can demonstrate that his arrest is being sought with *malafides*. However, as observed by the Supreme Court in *Khalil Ahmed Soomro v. The State* (PLD 2017 SC 730), at the stage of pre-arrest bail, it is difficult for the accused person to prove *malafides* through positive evidence/material, and therefore the same is to be deduced and inferred from the facts and circumstances of the case.

5. Here, it appears that in lodging the FIR, the Applicant/Complainant had attempted to throw a wider net by alleging that his two companions were also injured by Respondents 1 to 4, whose injuries were found to be non-cognizable. As regards the injury suffered by the Applicant/Complainant himself, that was classified under section 337-A(iii) PPC upon a second medical opinion obtained much after the incident and introduced by way of a supplementary charge sheet. Coupled with the delay in lodging the FIR, *malafides* were thus deduced by the learned Judge from the facts and circumstances of the case. Counsel for the Applicant is not able to convince this Court to take a different view. Therefore, the application for cancelling bail is dismissed in *limine*.

JUDGE