

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr.B.A.No.S-486 of 2026

Applicant: Bilawal Chang son of Muhammad Achar
Chang through Syed Shahzad Ahmed Shah,
Advocate

State: Through Mr. Bashir Ahmed Almani,
Assistant Attorney General.

Date of hearing: 01.06.2026

Date of decision: 01.06.2026

ORDER

TASNEEM SULTANA,J:- Through this criminal bail application, applicant Bilawal Chang seeks post-arrest bail in Crime No.33 of 2026, registered at Police Station Railway Police, Hyderabad, under Sections 324, 353, 427, 506/2 PPC after his bail plea was rejected by the learned Sessions Judge, Hyderabad vide order dated 13.04.2026.

2. The brief facts of the prosecution case are that on 27.03.2026, complainant ASI Muhammad Waheed received information from the Station Master of Railway Station Odero Lal that an intoxicated person was quarrelling with the on-duty gateman at Railway Level Crossing No.29. Upon reaching the spot, gateman Muhammad Jehangir informed him that while he was closing the crossing gate for the passage of Train No.47-UP Rehman Baba Express, an unknown person obstructed him from performing his duty and attempted to attack him with a dagger. During search, the applicant was apprehended and identified by the gateman as the alleged culprit. It is further alleged that smell of liquor was emanating from his mouth and that due to the occurrence, the train was delayed and railway traffic was disrupted. Consequently, FIR was registered against the applicant.

3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the present case; that neither the complainant nor the gateman sustained any injury during the alleged occurrence despite the allegation of attack with a dagger; that the applicability of section 324 PPC is, therefore, doubtful and calls for further inquiry; that all the material witnesses are official witnesses and no independent witness has been associated with the prosecution case; that the investigation has been completed and challan has already been submitted before the trial Court; that the applicant is no longer required for any investigative purpose; and that the remaining offences do not fall within the prohibitory clause of section 497 Cr.P.C. He, therefore, prayed for grant of post-arrest bail.

4. Conversely, learned DPG for the State opposed the application and contended that the applicant was identified by the gateman during the course of investigation; that he obstructed a public servant from discharging his official duties and attempted to attack him with a dagger; that his conduct resulted in disruption of railway traffic and delay in the movement of trains; and that sufficient material is available on record connecting him with the commission of the alleged offences. He, therefore, prayed for dismissal of the application.

5. I have heard learned counsel for the applicant and learned DPG for the State and have perused the available record.

6. The prosecution case is that the applicant obstructed an on-duty gateman from performing his official duties and allegedly attempted to attack him with a dagger. A tentative assessment of the material available on record reflects that neither the complainant nor the gateman sustained any injury during the alleged occurrence. Although section 324 PPC has been incorporated in the FIR, the record presently available does not disclose that any injury was sustained by any person. Whether, in such circumstances, the allegations attributed to the applicant are sufficient to attract the provisions of section 324 PPC is a matter which would be determined by the learned trial Court after recording evidence. Therefore, the applicability of section 324 PPC, at this stage, appears to require further probe.

7. Guidance in this regard may be drawn from the cases of *Jamaluddin and another v. The State* (2023 SCMR 1243) and *Ali Raza v. The State and others* (2022 SCMR 1245), wherein the Honourable Supreme Court observed that where the applicability of section 324 PPC and the requisite intention are dependent upon a deeper appreciation of evidence, such questions are to be determined by the trial Court after recording evidence. The principle emerging from the said judgments lends support to the view that where the material available at the bail stage does not conclusively establish the ingredients of section 324 PPC, the matter may fall within the ambit of further inquiry.

8. The remaining offences alleged against the applicant do not fall within the prohibitory clause of section 497 Cr.P.C. It is a settled principle of law that grant of bail in offences falling outside the prohibitory clause is a rule and refusal an exception. Reliance in this regard may be placed on the case of *Tariq Bashir v. The State* (PLD 1995 SC 34).

9. It is further noted that the investigation has been completed and challan has already been submitted before the competent Court. The applicant is no longer required for any investigative purpose. The prosecution case predominantly rests upon official witnesses whose statements have already been recorded and form part of the police papers.

10. In view of the above facts and circumstances, the applicant has succeeded in making out a case of further inquiry within the contemplation of section 497(2) Cr.P.C. and is, therefore, entitled to the concession of post-arrest bail. Consequently, the instant application is allowed and the applicant Bilawal Chang is admitted to post-arrest bail subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and P.R. bond in the like amount to the satisfaction of the learned trial Court.

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

12. These are the reasons for my short order dated
01.06.2026.

J U D G E

Ahmed/Pa,