

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR.

Cr. Bail Application No.S-119 of 2026
(**Wazir Ahmed Chohan v. The State**)

Mr. Muhammad Ali Dayo, Advocate along with Applicant.
Mr. Ali Ahmed Khan, Advocate along with complainant.
Mr. Sardar Ali Shah, APG for the State a/w Dr. Agha Misbah Hussain, RMO
Government Hospital, Bagerji.

Date of Hearing: **13-07-2026**

Date of Order: **13-07-2026**

ORDER

ZULFIQAR ALI SANGI, J.- Through instant Criminal Bail Application applicant Wazir Ahmed Chohan seeks pre-arrest bail in Crime No.02 of 2026, registered at P.S, Tamachani, under sections 324, 337(2), 504, 50/2, 148 & 149 PPC. His earlier bail plea was declined by learned trial Court vide order dated 20.01.2026.

2. The facts of the F.I.R. are mentioned in the bail application copy whereof is also attached with the memo of bail application, hence, need not to reproduce the same here.

3. Learned counsel for the applicant contends that the applicant is innocent and has falsely been implicated in this case due to enmity, which is admitted in the FIR; that there is delay of one day in lodging the FIR, for which no plausible explanation has been furnished; that, according to the FIR, six persons are alleged to have been armed with weapons, but only one person allegedly fired upon the complainant's cousin, although the complainant and the prosecution witnesses were allegedly at the mercy of the accused; that there was no repetition of the fire shot, therefore, the applicability of Section 324, PPC, is a matter to be determined at the time of trial; that there is a contradiction between the provisional and final medical certificates, which also creates doubt; and that, as per the final medical certificate, the alleged injury carries punishment up to three years' imprisonment, which does not

fall within the prohibitory clause of Section 497, Cr.P.C. Lastly, he prays that the interim pre-arrest bail earlier granted to the applicant be confirmed.

4. Conversely, learned Additional Prosecutor General, assisted by learned counsel for the complainant, opposed the bail application on the ground that the applicant is directly nominated in the FIR with the specific role of causing injury to the complainant's cousin. However, learned Additional Prosecutor General fairly conceded that, as per the final medical certificate, the alleged injury is punishable with imprisonment up to three years. As regards the contradiction between the provisional and final medical certificates, learned Additional Prosecutor General and learned counsel for the complainant submitted that the discrepancy is attributable to the Medical Officer and not to the complainant or the injured person.

5. I have heard learned counsel for the parties and perused the material available on record. The record reflects that enmity between the parties is admitted in the FIR and that there is a delay of about one day in lodging the same, for which no plausible explanation has been furnished by the complainant. Admittedly, the complainant himself did not sustain any injury; therefore, it cannot be said that he remained occupied with treatment or was otherwise prevented from approaching the police promptly. It is also an admitted position that, prior to the present case, FIR No.37 of 2024 was lodged by applicant No.1 against the brothers of the complainant regarding the murder of the brother, nephew, and cousin of applicant No.1. Thus, the existence of enmity between the parties is prima facie established. Moreover, according to the final medical certificate, the alleged injury does not fall within the prohibitory clause of Section 497, Cr.P.C., as it carries punishment up to three years' imprisonment.

6. Under these circumstances, the instant bail application is **allowed**, and the interim pre-arrest bail earlier granted to the

applicant by this Court is hereby confirmed on the same terms and conditions.

7. Insofar as the contradiction between the two certificates, the Medical Officer concerned is present who submit that one of the same is draft and the other one is genuine. He also submits that both certificates might be released by any clerk of his office for which he has no knowledge. Under these circumstances, the matter in respect of two certificates is referred to the District Health Officer concerned to conduct a departmental inquiry and take legal action against the delinquent in accordance with law.

8. Needless to mention here that the observations made hereinabove are tentative and would not influence learned Trial Court at the time of deciding the case as the same are only for deciding this bail application.

J U D G E

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