

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Cr. Bail Application No. S-157 of 2026

Applicants: 1. Kalo Khan S/o Ali Hassan Khan,
2. Allah Bux S/o Ali Hassan,
3. Liaquat Khan S/o Ghulam Hyder,
4. Saddam Hussain S/o Liaquat,
5. Ali Mardan S/o Muhammad Malook,
Through Haji Qalandar Bux Laghari, Advocate.

Complainant: Niaz Hussain S/o Rustam Khan,
Through Mr. Riaz Ali Shaikh, Advocate.

The State: *Through* Mr. Ghulam Abbas Dalwani, D.P.G.

Date of Hearing: 22.07.2026

Date of Order: 22.07.2026

ORDER

Khalid Hussain Shahani, J.- Through the instant application, the applicants seek the concession of pre-arrest bail in Crime No. 24 of 2026, registered under Sections 324, 337-H(ii), 427, 506(ii), 147, 148, 149 and 504, P.P.C., at Police Station Jhol, the like relief having been declined by the learned Additional Sessions Judge-II, Sanghar, vide order dated 06.04.2026.

2. The prosecution narrative, as unfolded in F.I.R. No. 24/2026 lodged on 19.03.2026 at 1700 hours, is that on 18.03.2026 at about 1230 hours, the complainant Niaz Hussain, having procured certain household articles from Jhol Bazaar, was proceeding in his vehicle towards his Otaq/inn situated at Village Arbab Magsi. Upon his arrival and the parking of the said vehicle, the nominated accused namely Kalo Khan, Allah Bux, Ali Dino, and their co-accused are alleged to have arrived at the scene armed with lathies, hatchets, and a pistol. It is averred that applicant Kalo Khan, assisted by applicant Allah Bux, forcibly extricated the complainant from his vehicle, whereupon the remaining accused subjected him to a sustained assault by means of lathi and hatchet blows, occasioning

multiple injuries. It is further alleged that, during the course of the occurrence, applicant Ali Dino resorted to aerial firing and discharged a shot towards the complainant's vehicle, while the remaining accused caused damage thereto with lathies and hatchets. Upon the complainant's outcry, persons from the vicinity are said to have gathered at the site, whereupon the accused extended threats of dire consequences before fleeing. The complainant was thereafter removed to hospital for treatment, culminating in the registration of the present F.I.R.

3. Learned counsel for the applicants being absent, Mr. Zulfiqar Ali Laghari, Advocate, holds brief on behalf of Haji Qalandar Bux Laghari, Advocate, and, acting upon special instructions, does not press the instant application to the extent of applicant Liaquat Khan. The application, to that limited extent, is accordingly dismissed as not pressed.

4. Learned counsel for the remaining applicants submits that the implication is founded upon mala fide arising from an antecedent dispute over immovable property; that the F.I.R. suffers from an unexplained delay of one day in its lodgment; that a cross-version, registered as Crime No. 25 of 2026 in respect of the self-same occurrence, renders the present prosecution a counter-blast; that the totality of six injuries attributed to the applicants have been medically opined as simple, falling within the ambit of Sections 337-A(i), 337-F(i), and 337 L(ii) P.P.C., and cognate provisions of hurt, all of which are bailable and non-cognizable in character; that notwithstanding the allegation of firing, the complainant sustained no firearm injury whatsoever; and that the investigation having culminated in submission of the report under Section 173, Cr.P.C., the applicants are, in the circumstances, entitled to the concession sought.

5. Learned D.P.G. for the State, duly assisted by learned counsel for the complainant, has controverted the above submissions, contending

that the applicants stand specifically nominated with distinct roles attributed to each, and that the medical evidence furnishes sufficient incriminating material connecting them with the commission of the offence, warranting dismissal of the application.

6. Arguments heard. Record perused.

7. A tentative appraisal of the material on record discloses that the occurrence is alleged to have taken place on 18.03.2026, whereas the F.I.R. was registered on 19.03.2026, reflecting a delay of one day for which no cogent explanation has been placed before this Court. It is not in dispute that the parties are embroiled in a pre-existing dispute concerning landed property, nor is it disputed that a cross-version, registered as Crime No. 25 of 2026 arising from the identical transaction, was lodged at the instance of the accused party, a circumstance rendering the identity of the aggressor a matter necessarily to be resolved through evidence at trial. The medical evidence further reveals six injuries, uniformly opined as simple and falling within Sections 337-A(i), 337-F(i), and 337 L(ii)P.P.C., and allied provisions, which by virtue of Schedule-II to the Code of Criminal Procedure are bailable and non-cognizable. While the prosecution alleges resort to firing both aurally and towards the complainant's vehicle, it remains undisputed that the complainant sustained no firearm injury. Whether, upon these facts, the ingredients essential to constitute an offence under Section 324, P.P.C. are attracted is a matter that must abide determination upon a fuller appreciation of evidence at trial. It is equally undisputed that investigation stands concluded and the report under Section 173, Cr.P.C. has been submitted before the learned Trial Court. In view of the foregoing, sufficient material exists to constitute a case of further inquiry within the contemplation of Section 497(2), Cr.P.C., entitling the applicants to the concession of post-arrest bail.

8. In consequence of the above, the instant bail application is allowed, and the interim pre-arrest bail granted vide order dated 09.04.2026 is hereby confirmed on the same terms and conditions as heretofore obtaining.

9. It is clarified that the observations recorded hereinabove are tentative in nature, confined strictly to the disposal of the present application, and shall not be construed so as to prejudice or influence the independent determination of the case on its merits by the learned Trial Court.

JUDGE

****Faisal****