

HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Application No.S-287 of 2026
(*Abdul Rehman Shah & another v. The State*)

Mr. Amanullah Malik, Advocate along with Applicants.
Mr. Achar Khan Gabol, Advocate along with Complainant.
Mr. Khalil Ahmed Maitlo, Deputy P.G for the State.

Date of Hearing: 27-07-2026

Date of Order: 27-07-2026

ORDER

ZULFIQAR ALI SANGI, J.- Through instant Criminal Bail Application applicants Abdul Rehman and Rasheed Ahmed seek pre-arrest bail in Crime No 15 of 2026, registered at P.S, Khambra, for offences under Sections 337A(ii), 452 & 504 PPC, after rejection of their bail plea by learned trial Court vide order dated 27.03.2026. Vide order dated 31.03.2026, applicants were admitted to interim pre-arrest bail by this Court.

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 applicants contends that the applicants are innocent and have falsely been implicated in the present case on account of mala fide, ulterior motives, and admitted enmity between the parties. He submits that even prior to the registration of the present F.I.R., civil litigation regarding the disputed property was pending between the parties. He further submits that there is an unexplained delay of five days in the

lodging of the F.I.R., for which no plausible explanation has been furnished by the complainant. According to the medical evidence, although the injured was medically examined approximately 2½ hours after the alleged occurrence, the injuries were opined to be about six hours old, which prima facie casts doubt upon the prosecution case. He further contends that the alleged offence does not fall within the prohibitory clause of Section 497, Cr.P.C. Lastly, he submits that since the grant of interim pre-arrest bail by this Court, the applicants have regularly attended the trial Court, and have not misused the concession in any manner. He, therefore, prays that the interim pre-arrest bail earlier granted to the applicants be confirmed.

4. Conversely, learned Deputy Prosecutor General, assisted by learned counsel for the complainant, has opposed the confirmation of interim pre-arrest bail. He submits that the delay in lodging the F.I.R. has been satisfactorily explained by the complainant; that the applicants have been specifically nominated in the F.I.R. with specific roles; and that applicant No.1 allegedly caused injuries on the vital part of the complainant's body. He further submits that the applicants do not deserve the extraordinary relief of pre-arrest bail and prays for dismissal of the application.

5. I have considered the submissions advanced by learned counsel for the parties and have carefully examined the material available on the record. Admittedly, the F.I.R. has been lodged after a delay of five days. Whether such delay has been satisfactorily explained by the prosecution is a matter requiring deeper appreciation of evidence at the trial. Likewise, as per record, the injured appeared at hospital on 06.03.2026 at 08:30 p.m; whereas incident took place at 06:00 p.m, hence injured was examined

about 2½ hours after the alleged occurrence whereas the injuries were opined to be approximately six hours old, also calls for thorough examination during the trial. It is further an admitted position that civil litigation between the parties was already pending prior to the registration of the present F.I.R., lending support to the plea of previous enmity raised by the applicants. The alleged offences admittedly do not fall within the prohibitory clause of Section 497, Cr.P.C. Furthermore, admittedly after obtaining interim pre-arrest bail from this Court, the applicants have remained present before the trial Court on each and every date of hearing and have neither misused the concession of bail nor attempted to interfere with the course of justice or influence the prosecution witnesses. Thus, the apprehension of misuse of the concession of bail no longer survives.

6. Under these circumstances, the applicants have prima facie made out a case for further inquiry within the meaning of Section 497(2), Cr.P.C., thereby entitling them to the confirmation of the interim pre-arrest bail earlier granted by this Court. Accordingly, the interim pre-arrest bail granted to the applicants is hereby **confirmed** on the same terms and conditions. The observations made herein are tentative in nature and shall not prejudice the case of either party at the trial.

7. The observations made herein are purely tentative in nature and shall not, in any manner, influence the learned trial Court while deciding the case strictly on the basis of the evidence that may be produced before it.

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