

THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail App. No. S – 280 of 2026

(Khuda Bux Soomro & others v. The State)

Date of hearing : **03.08.2026**

Date of decision : **03.08.2026**

Mr. Aftab Ahmed Malano, Advocate for applicants (*present on interim pre-arrest bail*).

Mr. Asadullah Soomro, Advocate for complainant.

Mr. Aftab Ahmed Shar, Additional Prosecutor General.

ORDER

Arbab Ali Hakro, J. – Through this criminal bail application, the applicants / accused, namely (1) Khuda Bux, son of Wazir Ali, (2) Muhammad Iqbal, son of Wazir Ali, (3) Basheer, son of Wazir Ali, and (4) Sadam Ali, son of Wazir Ali, all of caste Soomro, seek the concession of pre-arrest bail in Crime No.08 of 2026, registered at Police Station Mubarakpur, District Sukkur, for offences punishable under Sections 452, 337-A(i), 337-F(i), 504, 436, 114, 147, 148 and 149, P.P.C.

2. Learned counsel for the applicants has contended that the applicants have been falsely implicated owing to an admitted dispute between the parties regarding the plot and landed property. He submitted that the complainant himself disclosed this dispute in the FIR, thereby demonstrating the existence of previous enmity between both sides. Learned counsel further argued that the FIR was lodged with a delay of ten days, as the alleged occurrence took place on 10.02.2026, whereas the FIR was registered on 20.02.2026, and that such unexplained delay creates serious doubt about the prosecution's version. He further contended that the present case is a counterblast to Crime No.06 of 2026 registered at Police Station Mubarakpur, in which applicant Muhammad Iqbal reported an incident on the same date and at the same time, alleging that the complainant party had attacked his wife and caused a firearm injury to her right leg. It was argued that in the said FIR, the persons now

cited as witnesses in the present case were assigned specific roles, thereby demonstrating a cross-version between the parties. Learned counsel also pointed out that prior to registration of the present FIR, proceedings under Sections 22-A and 22-B Cr.P.C. were initiated by the complainant party, wherein a different version was narrated, which creates further doubt regarding the genuineness and consistency of the prosecution case. He submitted that applicant Basheer has only been attributed the role of presence, whereas the allegations against the other applicants require deeper appreciation of the evidence. It was further contended that the offences alleged do not fall within the prohibitory clause of Section 497, Cr.P.C, and that the applicants are entitled to the concession of pre-arrest bail.

3. Learned counsel for the complainant has opposed the application on the ground that the applicants are specifically nominated in the FIR, with clear and direct allegations. He submitted that applicants Muhammad Iqbal, Khuda Bux and Sadam caused injuries to Mst. Bashiran to her left arm, left ear and head, while applicant Muhammad Iqbal further set the complainant's shed on fire. He argued that, in view of such specific allegations of active participation in the commission of the offences, the applicants do not merit the extraordinary concession of pre-arrest bail.

4. Learned Additional Prosecutor General, while placing on record photocopies of the final medico-legal certificates of the injured persons, has opposed the application on the ground that the applicants are specifically nominated in the FIR and that the injured witnesses have fully supported the prosecution's version.

5. I have heard learned counsel for the parties and examined the available record.

6. Admittedly, there is a dispute between the parties regarding the plot and landed property, which has even been acknowledged in the FIR itself. The existence of such admitted enmity constitutes a relevant circumstance

that must be borne in mind when tentatively assessing the genuineness of the prosecution case at the bail stage.

7. A perusal of the record shows that the alleged occurrence took place on 10.02.2026, whereas the FIR was registered on 20.02.2026. The delay of ten days in lodging the FIR, at this tentative stage, is a circumstance that requires due consideration, particularly when the parties are admittedly embroiled in a dispute and allegations of a counter-version exist.

8. It is also significant that Crime No.06 of 2026 was registered at Police Station Mubarakpur on 11.02.2026 at 1500 hours in respect of an occurrence on the same date and at the same time, wherein applicant Muhammad Iqbal alleged that the complainant party had attacked his wife and inflicted a firearm injury to her right leg. In the said FIR, the persons connected with the complainant party in the present case were nominated with specific allegations. Thus, the existence of a cross-version between the parties is manifest and cannot be ignored at the stage of bail.

9. The record further shows that, before registration of the present FIR, proceedings under Sections 22-A and 22-B Cr.P.C. were initiated, during which a different version was narrated. This discrepancy between the earlier proceedings and the subsequent FIR is a circumstance that calls for deeper appreciation of the evidence, which is not permissible at the stage of bail.

10. As regards the role attributed to the applicants, it is alleged that applicants Muhammad Iqbal, Khuda Bux and Sadam caused injuries to Mst. Bashiran to her left arm, left ear and head, while applicant Muhammad Iqbal has further been alleged to have set the complainant's shed on fire. However, the role attributed to applicant Basheer is confined merely to his alleged presence at the scene. The determination of the precise nature of participation and the attribution of liability is a matter that requires further inquiry.

11. The order of the learned trial Court reflects that pre-arrest bail was dismissed primarily on account of the non-availability of the final medico-legal certificates. Those certificates, now placed on record by the prosecution, define the nature of the injuries as Shajjah-i-Khafifah, Ghayr Jaifah Damiah, and other hurts, which, by their very nature, do not fall within the prohibitory clause of Section 497, Cr.P.C.

12. Keeping in view the admitted dispute between the parties, the delay in registering the FIR, the existence of a counter-case arising out of the same occurrence, the variation in the earlier proceedings under Sections 22-A and 22-B, Cr.P.C, and the question requiring deeper appreciation of the respective roles of the applicants, I am of the tentative view that the applicants' case squarely falls within the ambit of further inquiry contemplated under Section 497(2), Cr.P.C.

13. Accordingly, this bail application is **allowed**. The interim pre-arrest bail earlier granted to the applicants vide order dated 26.03.2026 is hereby confirmed on the same terms and conditions.

14. The observations made herein are tentative and shall not prejudice the merits of the case at trial.

J U D G E

Abdul Basit