

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA
Cr. Bail Appln. No.S-384 of 2026

Date of Hearing	ORDER WITH SIGNATURE OF JUDGE
--------------------	-------------------------------

06.08.2026.

- 1. For orders on M. A. No.3971/2026.
- 2. For orders on office objection.
- 3. For orders on M. A. No.3972/2026.
- 4. For hearing of Main Case.

Mr. Atta Hussain Qadri, advocate along with the applicants.

1. Granted.

2 to 4. It is, *inter alia*, contended by the learned Counsel for the applicants that there are two counter-FIRs bearing Crime No.31/2025 and FIR of this case vide Crime No.35/2025, registered at P.S. Chak, District Shikarpur, in which both parties have implicated each other under counter version of single offence. He further submits that there is clear violation of the dicta laid down by the Hon’ble Supreme Court in the case of **Sughra Bibi Vs The State (PLD 2018 SC 595)**. Learned Counsel next submits that at the time of hearing of bail application, the matter was at premature stage and no Final Medical Certificate was issued by the Medicolegal Officer, but the learned trial Court decided the bail application in haphazard manner. Learned Counsel further submits that all the sections applied in the FIR are bailable except Section 506/2, PPC.

Initially, the applicants/accused were granted interim pre-arrest bail vide order dated 16.07.2026, which was subsequently recalled vide order dated 31.07.2026. The para No.6 of the impugned order reflects that the learned trial Judge has observed that provisional medical certificates of injured were available and the Final Medical Certificates were not issued by the Medicolegal Officer, only statements u/s 161, Cr.P.C. were recorded by the investigating officer and the matter was still under investigation. In my view, it is not sufficient material to decide the bail application on merits.

It may be observed here that in Criminal Bail Application No.S-376/2026 of co-accused filed before this Court in the same FIR bearing Crime No.31/2025 of PS Chak, District Shikarpur, the learned 5th Additional Sessions Judge, Shikarpur adopted same practice/course of deciding the bail application in hasty manner without waiting for the Final Medical Certificates of injured.

Any how, in view of above facts and circumstances, the impugned order dated 31.07.2026 is hereby set aside and the case is remanded to the learned 5th Additional Sessions Judge, Shikarpur with direction to decide the bail application afresh on merits on the basis of material collected by the I.O. after conclusion of proper investigation and no such order shall be passed by the trial Court under hurried manners. The applicants/accused shall be deemed to be on interim pre-arrest bail before the learned trial Court and they are directed to appear before the trial Court on 18.08.2026. Let copy of this order be transmitted to 5th Additional Sessions Judge, Shikarpur through learned District & Sessions Judge, Shikarpur.

Instant bail application is disposed of in above terms.

JUDGE

Qazi Tahir PA^{*}