

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.  
Criminal Bail Application No.S-785 of 2026.

| DATE OF HEARING | ORDER WITH SIGNATURE OF JUDGE |
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Applicants: Sindhu son of Shahzado by caste Shaikh  
**Through Mr. Mushtaque Ahmed Abbassi Advocate.**

The State: **Through Mr. Mansoor Ahmed Shaikh, D.PG.**

Complainant. Abdul Ghani son of Abdul Qadir shaikh  
**In person.**

Date of hearing & order: 30.09.2026.

**Suresh Kumar J:-** Through instant Criminal Bail Application applicant/accused Sindhu seeks his post-arrest bail in Crime No.16/2022 for the Offences Punishable U/Ss 324,337-A(i), 337-F(v), 147,148,149 registered at Police Station, Andal Sundrani, District Ghotki.

2. The facts of the prosecution, as depicted in the FIR, are that the complainant, Abdul Ghani Shaikh, lodged an FIR on 27.05.2022 with the aforementioned police station. In the FIR, he stated that on 22.03.2022, he, along with his nephew Mukhtiar Ahmed, Nisar Ahmed, and his daughter Mst. Benazir, as well as his brother's wife Mst. Sughar, were working on the land at about 11:00 AM when the applicant/accused, along with co-accused armed with KKs guns and one unknown accomplice, arrived and exchanged harsh words with the complainant. Subsequently, all the accused assaulted Mst. Sughar with kicks and fist blows. Co-accused Riaz Ahmed then struck Mst. Benazir with the butt of a gun, and co-accused Irshad fired a shot that hit her below the knee of her right leg. Upon hearing their cries and the arrival of other persons, all the accused fled the scene. The injured were subsequently shifted to the hospital, and ultimately, the complainant lodged the FIR on 27.05.2022 against the accused at PS Andal Sundrani.

3. The applicant initially applied for grant of post arrest bail, before the Court of learned Additional Sessions Judge-II, (GBV) Mirpur Mathelo District Ghotki, which was dismissed vide order dated 20.07.2026. The applicant/accused being aggrieved by this dismissal order, the applicant has approached this Court.

4. I have heard learned counsel for applicant, and learned A.P.G Sindh as well complainant in person at length. Learned A.P.G assisted by complainant has strongly opposed the grant of post arrest bail to the applicant/accused.

5. Having given due consideration to the arguments advanced by the learned counsel for the applicant, the learned APG, as well as the complainant, and having perused the relevant material available on record. From the perusal of FIR, it reveals that no specific injury is attributed to the present applicant/accused except the role of exchange of harsh words and general allegation of causing kicks and fists blows, while specific role is attributed to co-accused Riaz Ali, therefore, the case against applicant/accused falls within the ambit of further inquiry. In the similar circumstances this Court in the case of Muhammad Haneef and another v. The state (PLD 2006 Karachi 490) has observed as under:

“---S.497---Penal Code (XLV of 1860) Ss 302, 324,337-A(i),D(i), H(ii)504,148 & 149 –Bail grant of ---Only role attributed to one of the accused was that he was found to be armed with a fire-arm and ineffective firing was attributed to him—Aimless firing was attributed to the other accused and besides that, no role was attributed to both the accused---Case of concession of bail having been made out, accused were admitted to bail, in circumstance.”

6. The learned trial court dismissed the bail application of the applicant/accused on the ground that he remained an absconder for more than three years. It is well-settled law that bail cannot be refused merely on the ground of being an absconder; otherwise, the applicant has made out a

case for the grant of bail on merits. In the similar circumstances Honourable Supreme Court in the case of Saeed Yousaf v. The state (2021 SCMR 1295) has observed as under:

“---S.497(2)---Bail---absconsion of accused---Effect---Accused could be granted bail if his case was otherwise made out on merits and his mere absconding wouldn't come in the way of his bail---Effect of absconsion depended on the facts of each case and bail cold be granted if an accused had a good case for bail on merits---Mere absconsion would not deprive him of bail, if otherwise his case was one of “further inquiry” as envisaged under S.497(2) Cr.P.C.

7. Moreover, the counsel for applicant/accused has pointed out that applicant/accused is in custody for more than six months and the trial has not yet concluded. It is well settled law that bail can not be with held as punishment.

8. For the foregoing reasons and the guidance taken from the above case law, I am of the considered view that the applicant/accused has made out a case for the grant of post-arrest bail. Consequently, the applicant/accused, Sindhu, is admitted to bail, subject to furnishing a solvent surety in the sum of Rs. 50,000/- (Fifty Thousand) and a PR bond in the like amount to the satisfaction of the trial court.

**JUDGE**

Hizbullah