

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Bail Application No.S- 1550 of 2025

Date of hearing: 07.10.2026.

Date of order: 07.10.2026.

Mr. Irfan Khaskheli, Advocate for applicants along with applicants (on bail).

Mr. Pardeep Kumar, Advocate for complainant.

Mr. Altaf Khokhar, D.P.G for State.

ORDER

ABDUL MOBEEN LAKHO, J.- Applicants/accused Saman Ali @ Shaman Ali, Amir and Akram seek pre-arrest bail in Crime No.362/2025 registered at Police Station Hatri, Hyderabad for offences u/s 324, 504, 34 PPC. Previously, the applicants/accused applied for the same relief before the learned 1st Additional Sessions Judge/MCTC-I, Hyderabad but the same was declined vide order dated 11.12.2025. Hence this bail application.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Learned counsel appearing on behalf of the applicants mainly contended that the FIR is delayed by one day without any plausible explanation; that admittedly there is a matrimonial dispute between the parties; that there are general allegations against the applicants; that medical report does not support the contents of FIR; that all the Sections are bailable except Section 324 PPC; that the complainant party had also earlier lodged an FIR against the accused party hence false implication and malafide intention on the part of complainant cannot be ruled out. Lastly he prayed for confirmation of interim pre-arrest bail.

4. Conversely, learned D.P.G as well as counsel appearing for the complainant opposed the confirmation of bail on the ground that the

applicants/accused are nominated in FIR with specific role of causing firearm injury to the complainant on his left leg.

5. Heard learned counsel for the parties and perused the entire material available on record.

6. A tentative assessment of the available record reveals that the alleged occurrence is stated to have taken place on 07.11.2025 at about 1900 hours, whereas the FIR was lodged on 08.11.2025, after an unexplained delay of one day. The said delay assumes significance, particularly when the distance between the Police Station and the place of occurrence is stated to be only 5/6 kilometers. No plausible or satisfactory explanation has been furnished by the prosecution to justify such delay, which, at this tentative stage, creates a circumstance requiring further inquiry. It is further evident from the record that a matrimonial dispute exists between the parties. The allegations attributed to the applicants are general in nature and are not supported by any independent incriminating material therefore, comes within the ambit of further inquiry. Moreover, the medical evidence, prima facie, does not lend support to the ocular account narrated in the FIR. It is also noteworthy that all the offences applied in the FIR are bailable except Section 324, PPC. The complainant party had earlier set the criminal law into motion against the accused party through registration of another FIR, which is stated to be pending adjudication, and the accused therein have already been admitted to bail. In these circumstances, the plea of false implication and the possibility of mala fide on the part of the complainant cannot, at this stage, be safely brushed aside.

As regards the applicability of Section 324, PPC, the injury allegedly sustained by the complainant is on a non-vital part of the body. It is also not the prosecution's case that, after the alleged firing, the applicants made any further attempt to cause a fatal injury. Whether the act attributed to the applicants was committed with the requisite intention or knowledge so as to attract the penal consequences of Section 324, PPC is a matter which requires deeper appreciation of the evidence and, therefore, is best left to be determined by the learned Trial Court after recording of evidence. At this stage, the applicability of the said provision is not free from doubt. The case of the applicants, therefore, prima facie falls within the ambit of Section 497(2), Cr.P.C., where the question of guilt requires further inquiry.

Another significant circumstance in favour of the applicants is that the investigation has already been concluded and the challan has been submitted before the competent Court of law and the applicants are no longer required for the purpose of investigation. The applicants, after furnishing surety pursuant to the order of this Court, have joined the investigation/trial, and nothing has been brought on record to demonstrate that they have misused the concession of bail, attempted to influence or intimidate the prosecution witnesses, or otherwise violated any term or condition of the bonds furnished by them.

7. Based upon the above discussion the applicants have made out a good case for grant of pre-arrest bail. Accordingly, the instant bail application is allowed and the interim pre-arrest bail already granted to the applicants on 29.12.2025 is hereby confirmed on same terms and conditions.

8. Needless to mention here that the observations made hereinabove are tentative in nature and will not prejudice the case of either party at trial.

9. Pre-arrest bail application is disposed of in above terms.

JUDGE

Tufail