

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 824 of 2026

Applicants: Shabbir Ahmed son of Khawand Bux bycaste Kori, **through Mr. Rahib Islam Malano, Advocate.**

Complainant: **Through Mr. Irshad Ali Soomro, Advocate.**

The State **Through** Mr. Shafi Muhammad Mahar, Deputy Prosecutor General, Sindh.

ORDER.
26.10.2026.

Suresh Kumar, J.--- The applicant named above seeks confirmation of the ad-interim pre-arrest bail granted to him by this Court vide order dated 31 August 2026, in a case bearing crime No. 197/2026, for offences under sections 114, 337-F(v), 382, 147, 148, and 149 of the Pakistan Penal Code (PPC), registered at Police Station 'A' Section Ghotki.

2. The brief facts of the case, as depicted in the FIR, are that on 16th June 2026, the complainant, Atta Muhammad, lodged an FIR alleging that on 08th June 2026, at 1430 hours, the present applicant/accused, along with co-accused, in furtherance of their common object and duly armed with deadly weapons, caused an iron rod blow to the complainant's right arm, while the other accused drove away his motorcycle, as detailed in the FIR.

3. I have heard the learned counsel appearing on behalf of the applicant/accused and learned DPG as well as counsel for complainant. Learned DPG and counsel for complainant strongly opposed for confirmation of interim pre-arrest bail.

4. Having given due consideration to the arguments advanced by the counsel for the respective parties, I have perused the relevant material. From the perusal of the FIR, it reveals that the incident took place on 08

June 2026, while the FIR was lodged on 16 June 2026. Such a delay of eight days has not been plausibly explained by the complainant. Moreover, previous enmity over matrimonial affairs is admitted in the FIR; therefore, malafide intention, as well as deliberation and discussion in the nomination of the accused and their roles, cannot be ruled out in the belated FIR. The injury allegedly caused by the applicant has been declared as Jurh Ghair Jaifah Hashimiah, which falls under section 337-F(v) of the PPC and carries a punishment of five years, and does not fall under the prohibitory clause of section 497 of the Cr.P.C. Furthermore, the co-accused Majid and Shaman allegedly took away the motorcycle; therefore, the applicability of section 382 of the PPC against the applicant/accused is yet to be determined at the time of trial after recording evidence. Co-accused Basheer has already been granted pre-arrest bail on the ground of further inquiry in respect of the same incident. Even otherwise, the medical board has already kept the medical certificate in abeyance on the ground that the injured/complainant did not appear before the board on three occasions. Hence, all the above cumulative facts require the case to be subjected to further inquiry, as embedded in section 497(2) of the Cr.P.C. The applicant/accused has joined the investigation and has been regularly appearing before the trial Court as well as before this Court, and has not misused the concession of pre-arrest bail.

5. For the foregoing reasons, I am of the considered view that the applicant/accused has successfully made out a case for the grant of pre-arrest bail. Therefore, the interim pre-arrest bail already granted to the applicant is hereby confirmed on the same terms and conditions, with a direction to appear before the trial Court.

6. Needless to mention that the above observations are tentative in nature and will not prejudice the case of parties at the time of trial.

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