

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

1st Cr. Bail Appln. No. S- 134 of 2026.

Roshan Ali Sambhal & 05 others

***v.
The State***

Applicant : through Mr. Abdul Ghaffar Gopang, Advocate.

The State : through Mr. Aitbar Ali Bullo,
Deputy Prosecutor General, Sindh.

Date of hearing & Order : **26.10.2026.**

ORDER

ARBAB ALI HAKRO, J.- Through this application, the applicants seek admission to pre-arrest bail in Crime No. 07 of 2026, registered at P.S. Gaji Khuhawar, District Kamber-Shahdadkot, for offences under Sections 337-A(i), 337-F(i), 506/2, 114, 147, 148, 149, PPC, after dismissal of their plea by the Court of learned Additional Sessions Judge-II, Kamber vide order dated 10.03.2026.

2. In brief, the facts of the prosecution case are that on 13.02.2026, complainant Mst. Haleema, wife of Manzoor Sambhal, along with her brother-in-law Wazir Ali and nephew Tasawar, were present near the shop of Sheral at Gaji Khuhawar town. At about 5.30 p.m., accused persons, each armed, namely Roshan Ali and Dadan with lathies, Pasand Ali, Ali Gul @ Guloo, and Ghulam Shabir with cudgels, and Ghulam Nabi and Sadam Ali armed with pistols, all of caste Sambhal, emerged there along with three unknown accomplices. On being instigated by accused Roshan Ali and Pasand Ali, and by Dadan, they inflicted cudgel and lathi blows on PW Wazir Ali; accused Ali Gul @ Guloo inflicted a lathi blow on PW Tasawar; and the other accused inflicted lathies, kicks, and fist blows on PWs on different parts of their bodies. On the intervention of persons from the public, who were attracted by the cries of the complainant party, the accused persons left the scene, threatening the PWs.

3. Learned counsel for the applicants submits that the FIR is delayed by about 06 days without a plausible explanation. He further submits that the parties are already in strained relations over the land dispute; besides, the alleged injuries are simple in nature, and except for the offence under Section 506/2 PPC, all other offences are bailable. Learned counsel further submits that all male members of the same family have been roped in by the complainant in the background of enmity.

4. Learned DPG does not oppose the bail application on the ground that the offences with which the applicants stand charged do not fall within the prohibitory provisions of Section 497, Cr.P.C.

5. Heard. Record perused.

6. The offences alleged against the applicants fall under Sections 337-A(i), 337-F(i), 506/2, 114, 147, 148 and 149, PPC. According to the final medical certificates, injury No.1 of PW Tasawar is *Jurh Ghayr-jaifah* Munaqqillah, falling under Section 337-F(vi), PPC, which is punishable up to seven years, and injury No.1 of PW Wazir Ali is *Jurh Ghayr-jaifah Hashimah*, falling under Section 337-F(v), PPC, which is punishable up to five years, not seven years as observed in the impugned order.¹ Section 506/2, PPC carries a maximum of seven years. None of these offences falls within the prohibitory clause of Section 497(1), Cr.P.C., and the learned DPG has rightly not contended otherwise. In such cases, bail is the rule and its refusal the exception, which must rest on some circumstance such as the likelihood of absconding, tampering with the prosecution evidence or repeating the offence, as held in **Tariq Bashir and Muhammad Tanveer**.² Learned Additional Sessions Judge-II has treated the case as an exception but has not pointed to any such circumstance. That the applicants are nominated with specific roles and that the witnesses support the FIR in their statements under Section 161, Cr.P.C. is the position in almost every FIR, and by itself it cannot take a case out of the rule.

7. Since pre-arrest bail is sought, the applicants must also show that their arrest is likely to be actuated by *mala fide* or ulterior motive, as held in **Mukhtar Ahmad**.³ On a tentative assessment, the record supports this. The FIR itself discloses a prior dispute over a passage and a case, Crime No.66 of

¹ Impugned order dated 10.03.2026 passed by learned Additional Sessions Judge-II, Kamber in Cr. Bail Application No.241 of 2026, para 7.

² *Tariq Bashir v. The State* PLD 1995 SC 34; *Muhammad Tanveer v. The State* PLD 2017 SC 733.

³ *Mukhtar Ahmad v. The State* 2016 SCMR 2064.

2025, of the same police station, lodged by the complainant's brother, in which the applicants are on bail.⁴ Before this FIR, the complainant had approached the learned 1st Additional Sessions Judge/Ex-Officio Justice of Peace, Kamber, through three applications under Sections 22-A and 22-B, Cr.P.C., against some of the present applicants. All were dismissed, the orders recording in substance that the police reports did not bear out the allegations and that the parties were at enmity over property.⁵ The incident is of 13.02.2026, while the FIR was lodged on 19.02.2026. According to the FIR, the injured were first brought to the police station, which issued them a referral letter.⁶ Delay alone may not be fatal in a hurt case, but where the police were approached at the very outset, the six days that passed before the accused were named, against a background of admitted enmity, call for scrutiny at trial. Further, seven accused are named, and three unknown persons are added for injuries which, on the medical record, the learned Judicial Magistrate, Warrah, found to be four in number on both the injured taken together.⁷

8. As to the roles, Roshan Ali is alleged to have only instigated the others; Ghulam Nabi and Sadam Ali are said to have pointed pistols without firing; and Ghulam Shabir is included among the other accused, to whom no particular blow is attributed. No injury to either PW is assigned to any of these four, and the allegation against them is general. Pasand Ali is attributed a danda blow to the right arm of Wazir Ali, the same arm on which lathi blows, including one on the finger, are attributed to co-accused Dadan, who has been admitted to bail by the learned Judicial Magistrate, Warrah, on the ground of further inquiry.⁸ Which of the blows caused the injury declared as *Hashimah* can only be determined after evidence, and Pasand Ali stands on no worse footing than Dadan. Ali Gul is attributed a lathi blow to the left arm of Tasawar, a non-vital part, for an offence punishable up to seven years. Nothing has been shown to suggest that the custody of any of the applicants is needed for the investigation or would serve any purpose other than punishment before trial.

9. The applicants have remained on the interim pre-arrest bail granted by this Court since 16.03.2026. The case diaries of the trial court show that the final report has since been submitted, that the trial is at the stage of evidence,

⁴ FIR No.07 of 2026, P.S. Gaji Khuhawar (English translation, annexure to the memo of application).

⁵ Orders dated 25.09.2023 in Cr. Misc. Application No.2036 of 2023, 03.06.2024 in Cr. M.A. No.1029 of 2024 and 30.07.2024 in Cr. M.A. No.1491 of 2024.

⁶ FIR (n.4 above).

⁷ Order dated 11.03.2026 in Bail Application No.12 of 2026 passed by learned Civil Judge & Judicial Magistrate-I, Warrah, paras 4 and 5.

⁸ Order dated 11.03.2026 (n.7 above), paras 4 and 7.

and that the applicants have been present on bail on every date reflected therein, with adjournments sought on behalf of the complainant.⁹ No misuse of the concession has been alleged by the State or the complainant, and the learned DPG does not oppose confirmation.

10. For the foregoing reasons, I am of the view that the applicants have made out a case for confirmation of pre-arrest bail. Accordingly, the application is **allowed**, and the interim pre-arrest bail granted to the applicants by this Court vide order dated 16.03.2026 is confirmed on the same terms and conditions. The applicants shall continue to attend the trial court regularly, and it will be open to the trial court to proceed under Section 497(5), Cr.P.C., against any of them if the concession is misused.

11. The observations made above are tentative and shall not influence the trial court in deciding the case on the merits. The application stands disposed of on the above terms.

J U D G E

Qazi Tahir PA/*

⁹ Case diaries of the trial court in Case No.82 of 2026 dated 03.04.2026 to 20.10.2026, filed with the statement dated 26.10.2026.