

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
(1). Crl. Bail Application No.S-325 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicants: (1). Zafar Ali S/O Badaruddin Indhar
(2). Muhammad Ajmal @ Ajmal S/O Allah Rakha Indher
Through Ch. Sajid Hussain Rajput Advocate.

Complainant. Abdul Raheem S/O Jam Ahmed Indher
Through Mr. Shabir Ali Bozdar, Advocate.

The State: Through Mr. Shafi Muhammad Mahar D.PG.

(2). Crl Bail Application No.865 of 2026.

Applicants: (1). Muhammad Ismail @ Ismail S/O Allah Rakhiya Indher
(2). Muhammad Aslam @ Aslam S/O Allah Rakhiya Indher
(3). Rafique Ahmed @ Rafique S/O Muhammad Ismail Indher
Through Ch. Sajid Hussain Rajput Advocate.

Complainant. Abdul Raheem S/O Jam Ahmed Indher
Through Mr. Shabir Ali Bozdar, Advocate.

The State: Through Mr. Shafi Muhammad Mahar D.PG.

Date of hearing & order: 26.10.2026.

Suresh Kumar J:- Through this common order, I intend to decide two separate bail applications filed on behalf of above named applicants, arising out of same Crime No.13/2026 Offences U/Ss 324,337-F(v), 504, 506/2, 147,148,149, 337-H(ii) PPC, registered at Police Station, Khambhra, District Ghotki, through which they seek confirmation of their interim pre arrest bail earlier granted to them by this Court vide order dated 09.04.2026 and 08.09.2026 respectively.

2. Concisely, the facts of the prosecution, as depicted in the FIR, are that the complainant, Abdul Rahim Indhar, lodged an FIR stating that, over a

previous landed dispute, the applicants/accused, along with co-accused, came to the spot where accused Asif caused a blow with the butt of a reaper to PW Ghulam Rasool on his shoulder. The applicant/accused Zaffar Ali caused an iron rod blow to Ghulam Rasool on his left arm and right hand fingers. The applicant/accused Muhammad Ismail caused a lathi blow to the complainant on his right arm and buttock, while the applicant/accused Ajmal caused a lathi blow to the complainant on his right shoulder. Accused Shakeel caused a lathi blow to PW Muhammad Tahir on his hand, accused Murtaza caused an iron rod blow to Ghulam Yaseen on his arm, and accused Akbar caused a lathi blow to Muhammad Iqbal on his back. Meanwhile, the applicant/accused Aslam caused an iron rod blow to Abdul Aziz, and the applicant/accused Rafique caused a lathi blow to Abdul Aziz on his buttock. Upon the arrival of local residents, the accused fled the scene, issuing threats. The injured were taken to the hospital for treatment. Thereafter, the complainant appeared at Police Station Jarwar, where he lodged the FIR.

3. The applicants/accused initially applied for grant of pre arrest bail which was dismissed by learned Additional Sessions Judge/MCTC, Ubauro vide order dated 27.03.2026. Being aggrieved by this dismissal order, the applicants/accused have approached this Court.

4. I have heard the learned counsel for the applicant, the learned Deputy Prosecutor General (D.P.G) of Sindh, assisted by the learned counsel for the complainant. The learned counsel for the complainant has strongly opposed the confirmation of bail for all applicants/accused, while the learned D.P.G for the State has opposed the confirmation of interim pre-arrest bail for applicants/accused Zaffar Ali and Muhammad Ismail, who have allegedly caused non-bailable injuries to the injured. However, he has raised no objection to the confirmation of interim pre-arrest bail for the remaining accused.

5. Having given due consideration to the arguments advanced by the learned counsel for the applicant and the learned DPG, and having perused the relevant material available on record, it is revealed from the perusal of the FIR that applicant/accused Zaffar Ali allegedly caused an injury with an iron rod blow to the injured Ghulam Rasool on his left arm and left hand finger. The applicant/accused Muhammad Ajmal also caused a lathi injury to the complainant, which struck him on his right shoulder, while applicant/accused Muhammad Ismail caused a lathi injury to the complainant on his right arm and right buttock. Applicant/accused Muhammad Aslam also caused injuries to Abdul Aziz on his back, and applicant/accused Rafique Ahmed caused lathi injuries to Abdul Aziz on his buttock. From the perusal of the medical certificate, it reveals that the injuries caused by Muhammad Ismail and Zaffar Ali to the injured complainant have been declared as Ghayr Jaifah Mutalahima, Ghayr Jaifah Damihah, and other hurts. All the injuries are bailable except for the injury classified as Ghayr Jaifah Mutalahima, which is punishable by up to five years and does not fall within the ambit of the prohibitory clause of section 497(1) of the Cr.P.C. Although section 324 of the PPC has also been applied in the FIR, there is no injury to a vital part of the body of the injured; therefore, the applicability of section 324 of the PPC is yet to be determined at the time of trial. Moreover, there is a delay of 12 days in lodging the FIR, which has not been plausibly explained by the complainant. The only explanation put forth by the complainant is that he first obtained a letter for treatment and, after getting treatment for the injured, lodged the FIR. However, this explanation is not satisfactory, as the police were approached immediately after the incident for the letter. Therefore, consultation and deliberation cannot be ruled out, and hence the case against the applicants/accused calls for further inquiry. In the similar circumstances the Honourable Supreme Court in the case of **Jamaluddin v. The state (2023 SCMR 1243)** in paragraph No.6 held as under:

“(6)...There is no denial to this fact that the FIR was lodged after an inordinate delay of about three days. The only explanation put forth by the complainant is that firstly they got the Police letter for treatment from Civil Hospital and after the treatment they lodged the FIR. However, this explanation does not seem to be impressive, especially when the Police was allegedly approached by the complainant on the very first day. The complainant and the injured PW received injuries on the non-vital parts of the body and the petitioners did not repeat the fire despite having ample opportunity to do so. In this view of the matter, the question whether section 324, P.P.C. would be applicable in the case or not would be determined by the learned Trial Court after recording of evidence.”

6. The previous landed dispute is admitted in the FIR; therefore, mala fide on the part of the complainant cannot be ruled out. Moreover, there is a counter-version of the same incident, as FIR bearing No. 13/2025 has been lodged by the present complainant/injured against the applicants/accused, while FIR No. 19/2025 has been lodged by the injured applicant/accused Zafar Ali against the complainant party. From the perusal of both FIRs, it reveals that both parties have sustained injuries at each other's hands; therefore, it is yet to be determined which party is the aggressor one. In the case of **Khizr Hayat v. the State (2024 SCMR 1605)**, the Honourable Supreme Court has held at paragraph No.7 as under:

“Apart from this, it is a case of cross-version. The petitioner in his cross version has alleged that complainant party was aggressor because petitioner had right to enter into the housing society being the owners of same. In cases of counter version arising from the same incident, one given by the complainant in the FIR and the other given by the opposite party, bail is granted as a rule on the ground of further inquiry for the reason that the question as to which version is correct to be decided after recording of pro and contra evidence during the trial and also ascertain which party was the aggressor or was aggressed upon and refusal of bail in such case is an exception”.

7. For the foregoing reasons, and guidance taken from the case law cited above, I am of the considered view that the applicants/accused have made out a case for the confirmation of interim pre-arrest bail. Therefore, the interim pre-arrest bail granted to the applicants/accused on 09.04.2026 and 08.09.2026 is confirmed on same terms and conditions, with a directions to appear before trial Court till final dispose of the case.

8. Needless to say that the above observations are tentative in nature and will not prejudice the case of either party at the time of trial.

JUDGE

Hizbullah