

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl. Bail Application No.S-603 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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Applicants: (1). Hajan S/O Muhammad Moosa
(2). Majan !@ Majeed S/O Muhammad Moosa
both by caste Bozdar
Through Mr. Shabbir Ali Bozdar Advocate.

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

Date of hearing & order: 26.10.2026.

Suresh Kumar J:- Through this Crl. bail application applicants/accused Hajjan and Majan @ Majeed Bozdar, seek their pre-arrest bail in Crime No.37/2025, Offences U/S 324,337-F(iii), 337-A(ii), 337-L(ii), 114, 147,148,149, 337-H(ii) PPC, registered at Police Station, Jarwar, District Ghotki.

2. Concisely, the facts of the prosecution, as depicted in the FIR, are that the complainant, Ghulam Abbas Bozdar, lodged an FIR stating that, over a previous murderous dispute, the applicant/accused, along with the nominated accused, duly armed with weapons, lathis, and an iron rod, came to the spot where, on the instigation of accused Bajhan, applicant/accused Hajjan fired from his pistol, hitting PW Rashid Ali on his left side. Meanwhile, applicant/accused Majjan Ali fired from his KK, hitting PW Rashid Ali on the inner part of his lower leg, while co-accused Bakhsh Ali caused an iron rod blow to the injured Rashid Ali on his head. The injured was taken to the police station and hospital. 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 1st. Addl. Sessions Judge, Mirpur Mathelo vide order dated 17.06.2026. Being aggrieved by this dismissal order, the applicant has approached this Court.

4. I have heard learned counsel for applicant, and learned D.P.G Sindh at length. Learned D.P.G assisted by complainant has strongly opposed the confirmation of interim pre arrest bail to the applicants/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 Hajjan allegedly fired from his pistol, which hit PW Rashid Ali on his right hand, while applicant/accused Majjan Ali fired from his KK, hitting PW Rashid Ali on the inner part of his lower leg. Both injuries have been declared as Jurh Ghayr Jaifah Mutalahima, which falls under section 337-F(iii) of the PPC and are punishable by up to three years. Moreover, there is a delay of 12 hours 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. Furthermore, the alleged injuries attributed to the applicants/accused are on non-vital parts 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, while the alleged offence does not fall within the ambit of the prohibitory clause of section 497(1) of the Cr.P.C. 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 murderous dispute is admitted in the FIR; therefore, mala fide on the part of the complainant cannot be ruled out. After the grant of interim pre-arrest bail, the applicants/accused have been appearing before the trial Court as well as this Court, and they have not misused the concession of interim pre-arrest bail.

7. For the foregoing reasons and the guidance taken from the above case law, 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 22.06.2026 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