

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 777 of 2026

Applicants: Ashique son of Qadir Bux bycste Dahri
through Mr. Sajjad Ahmed Khokhar,
Advocate.

Complainant: Mst. Saima present in person.

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

Date of hearing & Order: 15.09.2026.

ORDER.

Suresh Kumar, J.--- Applicant named above seeks confirmation of the ad-interim pre-arrest bail granted to him by this Court vide order dated 18.08.2026, in a case bearing crime No. 73/2025, offence u/s 452, 354, 354-A, 337-A(i), F(i), 504, 148, 149 PPC registered at Police Station Tharu Shah District Naushro Feroze.

2. Brief facts of the case are that on 03.05.2025 complainant Mst. Saima Dahiri lodged FIR alleging that on 30.04.2025 at evening time female of accused Gulsher fought with complainant party. On 01.05.2025 in the morning complainant, her husband were present in the house, it was 10/00 a.m present applicant along with co-accused trespassed and abused the complainant party. Her husband asked them not to abuse then accused Gulsher Dahri caused danda blow on his head who fell down raising cry while other accused caused danda blow to husband of complainant, accused Rashid dragged complainant from hair and started danda blows and also dragged from her shirt, which down out and body of complainant was niked. Then they raised cries which attracted to Khadim Hussain, Mazher Ali and other vilalgers. Then they went to P.S, obtained letter for treatment and went to Civil Hospital Naushahro Feroze and then lodged FIR.

3. The applicant initially sought pre-arrest bail from the Court of the learned Additional Sessions Judge Moro, which was dismissed vide order dated 03.07.2025. Aggrieved by this dismissal, the applicant has approached this Court.

4. I have heard the learned counsel appearing on behalf of the applicant/accused and learned DPG for the State so also complainant is present.

5. Having given due consideration to the arguments advanced by the counsel for respective parties, perused the relevant material. From the perusal of FIR it reveals that alleged incident took place on 01.05.2025 while present FIR was registered on 03.05.2025 and delay of two days has not been plausibly explained, therefore, consultation and deliberation cannot be ruled out. FIR further reveals that applicant along with co-accused trespassed and abused the complainant as well as her husband, dragged the complainant outside the house, consequent whereof cloths were torn during incident thereafter accused run away after causing lathi injuries to the complainant. Record also reveals that main co-accused Ashique and other accused have been granted bail before arrest by the Court of Additional Sessions Judge and bail of present applicant was dismissed on the ground that counsel for applicant filed misstatement regarding previous bail application. Previous enmity over children is admitted in FIR, therefore, mala fide intention on the part of complainant cannot be ruled out. Moreover as per contents of FIR, the applicant has not been assigned any active role except general allegation of causing lathi injury while escaping from vardat and such injury has been declared as

Shujjah-e-Khafifah and Ghair Jaifah which falls under section 337-A(i) and 337-F(i) PPC and are bailable. As far as concealment of facts by counsel before trial Court is concerned, applicant being illiterate person cannot be penalized for the mistake of counsel. Applicant has been regularly appeared before this Court as well as trial Court and has not misused the concession of interim pre-arrest bail.

6. For the foregoing reasons above , I am of 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 same terms and conditions with direction to appear before trial Court.

J U D G E

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