

HIGH COURT OF SINDH, CIRCUIT HYDERABAD

Crl. Bail Application No. S-447 of 2026

Crl. Bail Application No. S-535 of 2026

Applicants: Hubdar Ali Laghari s/o Khair Muhammad
Rasool Bux s/o Ahmed Khan Laghari
Through Mr.Ali Khan Laghari, Advocate

Complainant: Mst.Sabiyani w/o Ghulam Ali Laghari

The State: Through Mr.Irfan Ali Talpur, D.P.G

Date of Hearing: **21.08.2026**

Date of Order: **21.08.2026**

ORDER

ABDUL MOBEEN LAKHO-J, Through this single order, I intend to dispose of the above-captioned applications under section 498 Cr.P.C, as both arise out of same Crime No.02 of 2026, registered at Police Station Hatri, Hyderabad, for offences under sections 324, 506, 504, 147, 148, 149 PPC. The applicants seek confirmation of the interim pre-arrest bail granted to them by this Court vide orders dated 13.04.2026 and 04.05.2026, respectively. The applicants earlier bail application for the same relief was declined by the learned II-Additional Sessions Judge, Hyderabad vide order dated 14.01.2026.

2. Briefly stated, the prosecution case as set out in the FIR is that complainant Mst.Sabiyani alleged a dispute regarding agricultural land with the accused party. It is alleged that on 02.01.2026 at about 8:30 p.m., the accused persons, duly armed with weapons, arrived at the house of the complainant party, abused them and extended threats. As per the FIR, accused Dholio inflicted hatchet blows upon injured Zulfiqar causing injuries on his hand, accused Rasool Bux allegedly gave a butt blow of repeater on the face of injured Zulfiqar near the left side of his nose, while accused Hanif inflicted a hatchet blow on the head of Moosa. It is further alleged that the remaining accused also participated in the occurrence and

subjected the complainant party to maltreatment. Thereafter, the FIR was lodged on 03.01.2026.

2. Learned counsel for the applicants contended that the applicants are innocent and have been falsely implicated due to longstanding land dispute between the parties. He argued that the impugned FIR is a counterblast to an earlier FIR lodged by applicant Hubdar Ali's side, that there is delay in lodging of the FIR and that the prosecution story suffers from material inconsistencies. It is further argued that no offence under Section 324 PPC is made out, that the case calls for further inquiry within the meaning of Section 497(2), Cr.P.C. and that applicant Hubdar Ali has been assigned only a general and omnibus role with no specific injury attributed to him. Learned counsel, therefore, prayed for confirmation of pre-arrest bail in favour of both applicants.

3. Despite service, neither the complainant nor her counsel appeared to argue the matter.

4. Conversely, learned Deputy Prosecutor General opposed the applications and submitted that the applicants are specifically nominated in the FIR; that the occurrence is supported by ocular account as well as medical evidence; that the investigation has culminated in submission of challan against the accused persons; that applicant Rasool Bux is attributed a specific role in the occurrence and applicant Hubdar Ali was a member of the unlawful assembly sharing common object and that the existence of a cross-version by itself is not sufficient to discard the prosecution case at bail stage. He, therefore, prayed for dismissal of both applications.

5. I have heard learned counsel for the applicants and learned Deputy Prosecutor General for the State and have gone through the available record with their able assistance.

6. From the contents of the FIR itself, it is evident that prior enmity and litigation concerning agricultural property admittedly exist between the parties. It is also an admitted position emerging from the record that a cross-version has been lodged by the side of the applicants regarding the same set of events. The existence of cross-cases arising out of the same

background is a circumstance which, at least tentatively reflects that the controversy requires deeper probe and determination after recording of evidence during trial.

7. A tentative assessment of the FIR further reveals that the role attributed to applicant Hubdar Ali is purely general and omnibus in nature. No specific injury, overt act or participation causing any hurt has been assigned to him. His nomination appears to be on account of his presence along with other co-accused. Whether he shared any common object within the contemplation of Section 149 PPC would be a question requiring further examination at trial.

8. So far as applicant Rasool Bux is concerned, although a specific role has been attributed to him, the allegation against him is that he gave butt blows of a repeater upon injured Zulfiqar. No allegation of firing has been levelled against him in the FIR. The medical certificate placed on record shows injuries which have tentatively been opined as *Shajjah-e-Khafifah* and *Jurh Ghayr Jaifah Damiyah*, whereas no injury attracting the prohibitory clause with full rigour has been shown to have been caused by applicant Rasool Bux. The ultimate determination regarding intention, knowledge and applicability of Section 324 PPC would necessarily depend upon evidence to be produced during trial.

9. The investigation record further shows that both sides have sustained injuries and have set up rival versions. In such circumstances, determination as to which party was the aggressor and which version reflects the true account of the occurrence cannot be conclusively undertaken at the bail stage. The august Supreme Court in **Tariq Bashir and others v. The State (PLD 1995 SC 34)** held that where the case calls for further inquiry within the meaning of Section 497(2), Cr.P.C., the accused becomes entitled to the concession of bail as a matter of right and not of grace.

10. It is also well settled that pre-arrest bail, though an extraordinary relief, can be extended where the circumstances prima facie indicate that the matter requires deeper appreciation of evidence and arrest of the accused would not advance the cause of justice. Reliance in this regard may be placed upon ***Gulshan Ali Solangi and others v. The State* (2020**

SCMR 249) wherein the Honourable Supreme Court observed that the power of granting pre-arrest bail is intended to protect citizens from abuse of process and unnecessary humiliation where the facts justify invocation of equitable jurisdiction.

11. Keeping in view the admitted land dispute between the parties, existence of cross-cases, delayed lodging of the FIR, the general role assigned to applicant Hubdar Ali, the nature of allegation attributed to applicant Rasool Bux and the overall circumstances of the case, I am of the tentative view that the matter calls for further inquiry within the meaning of Section 497(2), Cr.P.C. No exceptional circumstance has been pointed out showing that the applicants misused the concession of interim pre-arrest bail or attempted to influence witnesses during its subsistence.

12. Accordingly, for the above reasons, the interim pre-arrest bails earlier granted to applicant Hubdar Ali Laghari vide order dated 13.04.2026 and to applicant Rasool Bux vide order dated 04.05.2026 is hereby confirmed on the same terms and conditions. The applicants shall continue to cooperate with the Investigating Officer and attend the proceedings/trial as and when required. The observations made herein are purely tentative and shall not prejudice the case of either party at the trial.

Office to place copy of this order in connected bail application.

JUDGE

AHSAN K. ABRO