

HIGH COURT OF SINDH, CIRCUIT HYDERABAD

Crl. Bail Application No. S-461 of 2026

Applicant: Naimatullah son of Atta Ullah Brohi
Through Mr.Noor Nabi Samoo, Advocate

The State: Through Ms.Rameshan Oad, D.P.G.

Date of Hearing: 10-08-2026

Date of Order: 10-08-2026

ORDER

ABDUL MOBEEN LAKHO-J, Applicant has approached this Court seeking concession of pre-arrest bail in Crime No.48 of 2024 registered at Police Station Cantonment, Hyderabad under Sections 353, 147, 149 & 427 PPC. The applicant's earlier bail application for the same relief was declined by the learned Model Criminal Trial Court/1st Additional Sessions Judge, Hyderabad vide order dated 08.04.2026.

2. The prosecution case, as reflected in FIR No.48/2024, is that on 28.04.2024 at about 01:50 a.m., complainant ASI Syed Mukhtiar Ali, accompanied by subordinate police officials, proceeded to Barrage Colony, Gareebabad, in connection with a dispute. It is alleged that the present applicant, along with co-accused persons and certain unknown persons, obstructed the police party in the discharge of official duties and pelted stones upon the police mobile, resulting in damage to its windscreen. Consequently, the aforesaid FIR was registered against the applicant and others.

3. Learned counsel for the applicant contended that the applicant is innocent and has falsely been implicated owing to mala fide and previous animosity. It is argued that no specific role has been attributed to the applicant in the FIR and the allegations are general in nature. Learned counsel further submitted that the offence does not fall within the prohibitory clause of section 497, Cr.P.C.; that the matter calls for further inquiry within the meaning of subsection (2) of section 497, Cr.P.C; that no injury was caused to any police official; that the allegation regarding stone-pelting is omnibus in nature and that the applicant, after obtaining

protective bail, appeared before the competent Court and submitted himself to the process of law. Lastly, he prayed for confirmation of interim pre-arrest bail.

4. Learned Deputy Prosecutor General opposed the application and contended that the applicant is specifically nominated in the FIR and is alleged to have participated in an unlawful assembly which obstructed police officials in the discharge of official duties. She, therefore, prayed for recall of interim pre-arrest bail.

5. I have heard learned counsel for the applicant and learned D.P.G as well as perused the material available on record.

6. Admittedly, the case revolves around the allegation that members of an assembly threw stones towards a police mobile, causing damage to its windscreen. The FIR does not attribute any distinct, specific or individual act to the present applicant. The allegation of stone-pelting has been leveled collectively against several nominated and unidentified persons. At this stage, it cannot safely be concluded as to which particular accused caused the alleged damage or played the principal role in the occurrence. Such determination would necessarily require recording of evidence and deeper appreciation thereof at trial.

7. It is further noteworthy that no police official is alleged to have sustained any injury during the incident. The offences fall outside the prohibitory clause of section 497 Cr.P.C. The record further reflects that the applicant, after availing protective relief, approached the competent forum and has now submitted himself before the law. The object of pre-arrest bail is to protect a citizen from humiliation and unjustified arrest where circumstances prima facie indicate misuse of the process of law. Although such relief is extraordinary in nature, its continuation is justified where the circumstances of the case disclose grounds for further inquiry and no useful purpose is likely to be achieved by taking the accused into custody.

8. A tentative assessment of the material available on record shows that the allegations against the applicant require further probe and deeper appreciation at trial. No recovery is to be effected from him, investigation

appears substantially documentary in nature, and no exceptional circumstance has been pointed out warranting his custodial arrest. Therefore, keeping in view the overall facts and circumstances of the case, I am of the considered view that the applicant has succeeded in making out a case for confirmation of interim pre-arrest bail.

9. Accordingly, the interim pre-arrest bail earlier granted to the applicant vide Order dated 14.04.2026, is confirmed on the same terms and conditions. The observations herein are tentative and shall not prejudice the trial.

JUDGE

AHSAN K. ABRO