

HIGH COURT OF SINDH, CIRCUIT HYDERABAD

Crl. Bail Application No. S-262 of 2026

Applicant: Shahid Lashari son of Mohram Lashari,
Through Mr.Abdul Hameed Jamali, Advocate

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

Date of Hearing: **03-08-2026**

Date of Order: **03-08-2026**

ORDER

ABDUL MOBEEN LAKHO-J, Applicant has approached this Court seeking concession of pre-arrest bail in Crime No.101 of 2025 registered at Police Station Daur under sections 337-J, 337-A(i), 337-F(i), 337-L(ii), 342, 427, 403, 506/2, 147, 148 and 504 PPC. The applicant's earlier bail application for the same relief was declined by the learned Additional Sessions Judge-V, Shaheed Benazirabad vide order dated 25.09.2025.

2. In FIR, the complainant alleged that Shahzad a friend, had borrowed Rs.14,50,000/- for medical treatment of his father but failed to return the same. On 13.09.2025, when the complainant went to Shahzad's house along with companions, a grey Cultus vehicle struck him, causing injury to his knee. Several named accused, including Shahid Lashari, allegedly dismounted armed with pistol, lathis and rod, abused the complainant, threatened to kill him, inflicted pistol-butt blows, damaged his motorcycle, detained him at their bethak, deprived him of Rs.5,50,000/- from his pocket and released him thereafter. The complainant then obtained medical treatment and lodged the FIR on 15.09.2025.

3. Learned counsel for the applicant contended that the FIR is false and fabricated, lodged with malafide intention due to admitted monetary dispute between the complainant and co-accused Shahzad. It was argued that there is unexplained delay of three days in lodging the FIR, which casts serious doubt upon the veracity of allegations. The applicant is arrayed at serial No.6 without specific role of causing injury; the complainant himself admitted that injury was sustained due to vehicle

impact, not by the applicant. Counsel further submitted that section 337-J PPC has been misapplied as no allegation of poison administration exists, and except section 506/2 PPC, all other offences are bailable. It was urged that co-accused have already been granted bail by this Court, hence the applicant is entitled to relief on the rule of consistency. Counsel emphasized that the case requires further inquiry and there is no apprehension of absconding or tampering with evidence.

4. Conversely, learned Deputy Prosecutor General opposed the bail plea, submitting that the applicant is specifically nominated in the FIR with allegation of participation in the assault and wrongful confinement. The complainant has consistently implicated him along with other accused, and recovery of looted amount and motorcycle is yet to be effected. It was argued that the delay in lodging FIR is explained by the complainant's medical treatment and consultation with elders.

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

6. It is an admitted position that after grant of interim pre-arrest bail the applicant has joined the investigation and has cooperated with the police. The allegation against him is confined to being armed with lathies and causing damage to the motorcycle of the complainant. No specific injury, much less grievous in nature, has been attributed to the applicant. The role assigned is thus of a peripheral nature, distinguishable from allegations of direct assault. The offences alleged, except section 506(2) PPC, are bailable; even section 506(2) PPC falls within the non-prohibitory clause of section 497 Cr.P.C. It settled principle of law that bail is the rule and jail is the exception and unless exceptional circumstances are shown, the concession of bail ought not to be withheld.

7. The case, on a tentative assessment, requires further inquiry within the meaning of section 497(2) Cr.P.C. The complainant himself has alleged that he was struck by a vehicle and the role of the applicant is not shown to have resulted in any grievous injury. Moreover, there is no allegation that after grant of interim pre-arrest bail the applicant has misused the concession or attempted to tamper with the prosecution evidence.

8. Accordingly, the interim pre-arrest bail earlier granted to the applicant vide Order dated 02.03.2026, is confirmed on the same terms and conditions. The observations herein are tentative and shall not prejudice the trial.

The above are the reasons of my short order announced earlier today i.e 03.08.2026.

JUDGE

AHSAN K. ABRO