

HIGH COURT OF SINDH, CIRCUIT HYDERABAD

Crl. Bail Application No. S-526 of 2026

Applicants: Muhammad Umar and Qamaruddin
Through Mr.Noor Muhammad Soomro, Advocate

Complainant: Adam s/o Muhammad Hashim Soomro
Through Mr.Ameer Hassan Panhwar, Advocate

The State: Through Mr.Shahid Ahmed Shaikh, Addl. P.G.

Date of Hearing: **07-09-2026**

Date of Order: **07-09-2026**

ORDER

ABDUL MOBEEN LAKHO-J, Through this Criminal Bail Application, applicants Muhammad Umar and Qamaruddin seek confirmation of interim pre-arrest bail in Crime No.202 of 2026, registered at Police Station Badin, for offences under Sections 452, 509, 506(2) and 34 PPC. Learned 2nd Additional Sessions Judge, Badin, vide order dated 24.04.2026, declined to confirm their interim pre-arrest bail and dismissed their application.

2. Briefly, the prosecution case as reflected from the FIR is that due to a dispute over a plot between the parties, the applicants along with co-accused allegedly entered the house of the complainant on 18.04.2026. It is alleged that applicant Muhammad Umar caused an iron rod blow to injured Manzoor, while applicant Qamaruddin allegedly caused lathi blows and all the accused extended threats and abused the complainant party. Thereafter, the present FIR was registered.

3. Learned counsel for the applicants contended that the parties are admittedly related and are residents of the same village and the FIR itself reflects that the occurrence is the outcome of an admitted property dispute. He submitted that the injuries attributed to the applicants are not on any vital part of the body; that the offence does not fall within the prohibitory clause of Section 497(1) Cr.P.C.; that the applicants joined investigation pursuant to interim pre-arrest bail order and never misused the concession of bail.

4. Learned Additional P.G. as well as learned counsel for the complainant opposed the application and supported the impugned order.

5. We have heard learned counsel for the parties and perused the material available on record.

6. Admittedly, the parties are closely related and the genesis of the occurrence is an admitted dispute over possession of a plot. The FIR itself acknowledges previous enmity between the parties over the property in question. Such background provides a motive not only for the occurrence but also for false implication, therefore requiring cautious consideration at the bail stage.

7. The allegations against the applicants are of causing injuries with an iron rod and lathi. The challan available on record shows that the investigation has already been completed and the applicants joined the process of investigation after obtaining interim protection from the Court. There is nothing on record showing that during the currency of interim bail they attempted to abscond, influence witnesses or obstruct the investigation.

8. The offences under Sections 452 and 506(2) PPC are non-bailable; however, they do not fall within the prohibitory clause of Section 497(1), Cr.P.C. In **Tariq Bashir and 5 others v. The State** (PLD 1995 SC 34), the Honourable Supreme Court held that where an offence does not fall within the prohibitory clause, grant of bail is a rule and refusal is an exception unless exceptional circumstances are shown.

9. Tentative assessment of the material further reflects that the matter primarily arises out of a private dispute between close relatives regarding property. The investigation has been completed and interim challan has already been submitted. In such circumstances, no useful purpose would be served by recalling the protection already extended to them.

10. For the foregoing reasons, this Criminal Bail Application is **allowed** and the interim pre-arrest bail earlier granted to applicants Muhammad Umar and Qamaruddin vide Order dated 30.04.20265, is hereby confirmed on the same terms, subject to furnishing additional surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each before the Additional Registrar of this Court within ten (10) days.

11. The observations made hereinabove are tentative in nature and shall not prejudice either side at the trial.

JUDGE