

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-552 of 2026

[Ghulam Abbas v. The State]

Criminal Bail Application No.725 of 2026

[Muhammad Nadeem v. The State]

09.09.2026

Mr. Hadi Bux Khaskheli, Advocate along with applicants on interim pre-arrest bail
Mr. Altaf Hussain Khokhar, DPG

ORDER

ABDUL MOBEEN LAKHO,J.- Through these bail applications, the applicants seek pre-arrest bail in Crime No.04/2026 registered at Police Station Bachalpur for offences under Sections 324, 447, 337-A(i), 511, 337-H(ii), 504, 506/2, 147, 148, 149 PPC, after dismissal of their applications for pre-arrest bail by the learned Additional Sessions Judge-II, Shaheed Benazirabad, vide order dated 23.04.2026.

2. The details and particulars of the case are already available in the bail application and the FIR and may be gathered therefrom; hence, the same need not be reproduced herein.

3. Learned counsel for the applicant contends that the applicants are innocent and has been falsely implicated in this case; that the injury attributed to the applicant Ghulam Abbas is of having caused lathi injury at the hand of injured Rashid Ali which is on non-vital part of his body being lacerated wound; that the alleged role of applicant Muhammad Nadeem is only that he was present at the place of incident having lathi in his hand; that the challan has been submitted and the applicants are attending the trial Court regularly; that the case of applicant requires further enquiry. Lastly he prayed for confirmation of interim pre-arrest bail already granted to the applicant.

4. On the other hand, learned DPG appearing on behalf of the State opposed the confirmation of interim pre-arrest bail already granted to the applicants on the ground that they are specifically nominated in the FIR specific role and prayed for dismissal of the application.

5. I have heard the learned counsel for the parties and have examined the available material with their assistance. The FIR reflects that the complainant party was present at the agricultural land when the applicants along with co-accused persons allegedly arrived there armed with different weapons. The role attributed to the applicant Ghulam Abbas is that he has caused lathi blow at the right hand of injured PW Rashid Ali, whereas, the Medico Legal Certificate of injured Rashid Ali shows that he had two injuries. Injurie No.1

has been declared as 337(v) PPC which carries punishment upto five years while injury No.2 as 337-L(ii) PPC which carries punishment upto two years. The allegation against applicant Muhammad Nadeem is that he was only present at the place of incident having lathi in his hand and he has not been attributed any active role in the incident. The offence with which the applicants are charged do not fall within the prohibitory clause of section 497 Cr.P.C except section 324 PPC applicability of which is yet to be determined at trial. It is also relevant that the alleged occurrence involves a number of accused persons, with different weapons and different roles attributed to them. The question as to the precise participation of each accused, the nature of the injuries allegedly caused by the applicants and their nexus with the offences alleged are matters which require further inquiry and are ultimately to be determined by the learned trial Court after recording evidence. The investigation has been completed and the applicants are no longer required for the purpose of investigation. The applicants have joined the investigation and, during the period of interim pre-arrest bail, have not been shown to have misused the concession of bail or attempted to tamper with the prosecution evidence. The extraordinary relief of pre-arrest bail is intended to protect an accused against arrest where the material available on record, viewed tentatively, gives rise to reasonable grounds requiring further inquiry and where arrest appears to be unnecessary for the purposes of investigation or trial. In the present case, the material available on record, particularly the roles attributed to the applicants, the nature of the offence, completion of investigation and their conduct during the period of interim protection, persuades this Court to hold, tentatively, that the applicants have succeeded in making out a case for confirmation of the interim pre-arrest bail.

6. For what has been discussed above, I am of the tentative view that the applicants have been able to make out a case for confirmation of the interim pre-arrest bail already granted to them. Consequently, both the bail applications are allowed and the interim pre-arrest bail granted to the applicants vide orders dated 07.05.2026 and 09.06.2026, respectively, is hereby confirmed on the same terms and conditions.

The observations made hereinabove are tentative in nature and would not prejudice the case of either party at trial.

JUDGE