

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Bail Appl. No.S-1087 of 2026
[Liaquat Ali and another v. The State]

02.09.2026

For orders on office objections
For hearing of main case

Mr. Rameez Ali Jamali, Advocate along with applicants on interim pre-arrest bail
Mr. Altaf Hussain Khokhar, DPG

ORDER

Abdul Mobeen Lakho, J.- Applicants seek pre-arrest bail in Crime No.13 of 2026 registered at Police Station Thariri Jado Shaheed for offences under Sections 452, 114, 148, 149, 504, 34 PPC, after dismissal of their application for pre-arrest bail by the learned Additional Sessions Judge-II, Dadu, vide order dated 13.07.2026.

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 applicants contends that the applicants are innocent and have been falsely implicated in this case; that there is delay of two days in registration of FIR which has not been reasonably explained; that both the applicants are brothers; that the complainant has malafidely implicated the applicants, their father and one brother; that the complainant is mother-in-law of applicant Murtaza Babar; that all the sections with which the applicants are charged are bailable exception section 452 PPC which does not fall within the prohibitory clause of section 497 Cr.P.C.; that there is overwriting in the Medico Legal Certificate of injured Muhammad Aslam. Lastly, he prays for confirmation of interim pre-arrest bail already granted to the applicants.

4. On the other hand, learned DPG appearing for the State has opposed the pre-arrest bail application on the ground that the applicants are specifically nominated in the F.I.R with specific role of causing injuries to the injured persons.

5. I have heard the learned counsel for the parties and have examined the available material with their assistance. From the tentative assessment of the record, it appears that the parties are closely related. The complainant and the applicants are family members, and the entire family of the applicants appears to have been implicated in the case. The FIR was lodged after an unexplained delay of two days. Such delay, at this tentative stage, calls for further inquiry into the circumstances in which the FIR came to be registered. It is

also evident from the record that, except Section 452 PPC, the remaining offences are bailable. Section 452 PPC, though non-bailable, does not fall within the prohibitory clause of Section 497(1), Cr.P.C. The mere fact that an offence is non-bailable does not, by itself, disentitle an accused from the concession of bail, particularly where the material available on record requires further scrutiny. More importantly, the discrepancy in the medical record cannot be ignored at this stage. The Medico-Legal Certificate of injured Muhammad Aslam reflects that a lacerated wound was subsequently altered/replaced with an incised wound. As per the FIR, the said injured is alleged to have sustained injury through the handle of a water pump; prima facie, the nature of injury recorded in the Medico-Legal Certificate does not appear to be fully consistent with the manner of assault attributed in the FIR. Likewise, the injury allegedly caused to injured/PW Mst. Khalida with a hatchet has been described in the Medico-Legal Certificate as a lacerated wound, whereas the injury allegedly caused to PW Muhammad Aslam with the handle of a water pump has been shown as an incised wound after alteration of the original entry. These discrepancies in the medical evidence, coupled with the unexplained delay in registration of the FIR and the close relationship between the parties, render the prosecution case a matter requiring further inquiry. It is settled that the extraordinary relief of pre-arrest bail is intended to protect a person from humiliation, harassment and unjustified arrest, particularly where the record indicates mala fide or where the accused's case calls for further inquiry. At the stage of bail, the Court is not required to conduct a deeper appreciation of the evidence or record a final determination regarding the guilt or innocence of the accused. The material available on record, when examined tentatively, is sufficient to bring the case within the ambit of further inquiry.

6. In view of above discussion, 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, the instant bail application is allowed and the interim pre-arrest bail granted to the applicants vide order dated 12.08.2026 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