HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Criminal Bail Application No.S-496 of 2026

Applicant:	Manzar Ali through Mr. G.M. Laghari, Advocate.
Respondent:	The State through Mr. Shawak Rathore, Deputy Prosecutor General, Sindh along with SIP Ashok Kumar I.O. PS Nindo.
Complainant:	Liaquat Ali through Mr. Roshan Ali Azeem Mallah, Advocate.
Date of hearing:	28.10.2026.
Date of order:	28.10.2026.

O R D E R

MUHAMMAD HUMAYON KHAN, J: - The applicant Manzar Ali son of Nazar Ali seeks pre-arrest bail in a case registered against him at Police Station Nindo, District Badin vide Crime No.16 of 2016 under Sections 395, 504 PPC after rejection of his bail application by the learned 2nd Additional Sessions Judge, Badin, on 17.04.2026 The applicant was admitted to interim pre-arrest bail by this Court vide order dated 23.04.2026.

2. Briefly, complainant Liaquat Ali alleged that he, his son Nabi Bux and cousin Saleem were cultivating agricultural land bearing Survey No.275 when the applicant and his four brothers arrived armed with weapons. They allegedly abused and threatened the complainant party to withdraw the murder case of Wahid Bux and thereafter collectively removed a water-pumping machine, valued at Rs.50,000/-, by tractor at gunpoint.

3. Learned counsel for the applicant contended that the applicant had been falsely implicated owing to an admitted dispute over agricultural land. He questioned the collective allegation of removing the machine and relied upon the delay in reporting the occurrence. Explaining the applicant's absence by apprehended harassment and threats, he contended that the accusation required further inquiry and prayed for confirmation of interim pre-arrest bail.

4. Conversely, learned D.P.G., Sindh, assisted by learned counsel for the complainant, opposed confirmation of bail, contended that the applicant was nominated in an offence falling within the prohibitory clause of Section 497, Cr.P.C., had remained fugitive despite rejection of

his earlier bail application, and had subsequently approached the Sessions Court on substantially identical grounds. They further contended that the existing hostility furnished a motive for the occurrence and prayed for dismissal of the application.

5. I have considered the submissions and examined the material available. The prosecution version itself discloses an existing dispute concerning cultivation and shares in agricultural land, besides hostility arising from an earlier murder case. Enmity is undoubtedly a double-edged circumstance: it may furnish a motive for the offence as well as for false implication. Its effect must, therefore, be examined with the nature of the accusation rather than treated as conclusive in favour of either party.

6. The applicant is alleged to have been armed with a pistol; however, the removal of the pumping machine is attributed collectively to all five accused, without describing the applicant's individual act in its removal or transportation. No firing or physical injury is alleged. Neither circumstance, standing alone, excludes the alleged offence, nor does a land dispute render an accusation of forcible removal purely civil. Their cumulative effect nevertheless requires scrutiny, particularly where the alleged occurrence is expressly linked to the parties' dispute over cultivation. There is no recovery. On that tentative assessment, his participation requires further inquiry, while the possibility of implication to exert pressure in the existing dispute cannot reasonably be excluded.

7. In KHAIR MUHAMMAD and another v. The STATE through P.G., Punjab and another (2021 SCMR 130), the Supreme Court recognized that the merits may be examined tentatively in proceedings for pre-arrest bail, the remedy being intended to protect against false accusation and malicious prosecution. Applying that principle, the circumstances noticed above provide a basis for further inquiry within the contemplation of Section 497(2), Cr.P.C., and lend substance to the applicant's apprehension of arrest for an ulterior purpose. The applicant's prolonged absence and earlier rejection of bail cannot be overlooked. Nevertheless, this Court must assess his entitlement under Section 498, Cr.P.C., upon the merits as well. In MITHO PITAFI v. THE STATE (2009 SCMR 299), the Supreme Court held that mere abscondence would not defeat a claim otherwise meriting bail. Without approving the applicant's conduct, I find that it does not, in the particular circumstances, outweigh the grounds of

further inquiry and the possibility of *mala fide* implication discussed above.

8. Consequently, the application is **allowed**. The ad-interim pre-arrest bail granted to applicant Manzar Ali son of Nazar Ali on 23.04.2026 is hereby **confirmed** on the same terms and conditions. The direction to join the investigation/trial and furnish proof thereof shall remain operative.

9. These observations are tentative and confined to the question of bail. The learned trial Court shall determine the case independently upon the evidence brought before it.

JUDGE

Abdullah Channa/PS*