HIGH COURT OF SINDH CIRCUIT COURT HYDERABAD

Criminal Bail Application No.S-1076 of 2026

Applicant:	Saddam Hussain through Mr. Muhammad Hashim Laghari, Advocate along with Mr.Muhammad Ayoub Laghari, Advocate.
Respondent:	The State through Mr. Irfan Ali Talpur, Deputy Prosecutor General, Sindh.
Complainant:	Irfan Ali through Mr. Rasool Bakhsh Soomro, Advocate.
Date of hearing:	28.10.2026.
Date of order:	28.10.2026.

O R D E R

MUHAMMAD HUMAYON KHAN, J. — The applicant seeks post-arrest bail in a case registered against him at Police Station Shaheed Fazil Rahu, District Badin vide Crime No.197 of 2023 under Sections 337-A (i), 337-A (iii), 337-F (i), 506 (ii), 109, 147, 148, 149 and 504 PPC, after dismissal of his earlier bail application by the learned 2nd Additional Sessions Judge, Badin, on 03.08.2026.

2. Briefly, complainant Irfan Ali alleged that on 20.11.2023, at about 12:45 p.m., the applicant and his companions entered the house of Ghulam Ali during a property dispute. The applicant allegedly struck Ghulam Ali on the nose with his fist, causing bleeding, while Junaid Rehman inflicted pistol blows upon his lip and left hand. Other accused allegedly administered kicks and fists, and threats were extended before they departed. The injured received medical treatment, and the FIR was registered on 15.12.2023.

3. Learned counsel for the applicant contended that the case was a counterblast to Crime No.185 of 2023 lodged by Mst. Shazia; the delayed FIR and omission of names from the earlier NC report rendered the nomination doubtful. He relied upon the co-accused's bail, the alleged CDR supporting absence from the scene, and discrepancies in the medical account. He further contended that proclamation proceedings lacked effective service and that the applicant's absence resulted from threats, bringing his case within section 497(2), Cr.P.C.

4. Conversely, learned D.P.G., Sindh, assisted by learned counsel for the complainant, opposed bail, contending that the applicant was

assigned the specific nasal injury medically declared as *shajjah-i-hashimah.* They maintained that the medical examination supported an actual assault, the co-accused stood on distinguishable footing, and the applicant's prolonged avoidance of proceedings furnished an additional reason for refusing relief.

5. I have considered the submissions and examined the available record. The FIR attributes a fist blow to the applicant. The material attribution remains a direct blow upon the nose, followed by bleeding, and requires assessment against the medical findings. The provisional certificate records: (i) an abrasion measuring 1 cm × 0.25 cm on the left side of the nose; (ii) an abrasion inside the upper lip; and (iii) an abrasion measuring 1 cm × 0.5 cm on the back of the left index finger. Final medico-legal certificate dated 08.12.2023, expressly referring to the radiologist's report, declares injury No.1 as ***shajjah-i-hashimah***, injury No.2 as ***shajjah-i-khafifah***, and injury No.3 as ***ghayr-jaifah damiyah***. *Shajjah-i-hashimah*, denoting fracture without dislocation of a bone of the head or face, attracts section 337-A (iii), P.P.C.: arsh equivalent to ten per cent of diyat, with imprisonment of either description extending to ten years as ta'zir. The lip injury attracts section 337-A (i), carrying daman and possible imprisonment up to two years; the finger injury attracts section 337-F (i), carrying daman and possible imprisonment up to one year. The latter two injuries are attributed to Junaid Rehman, whereas the applicant is specifically connected with the nasal injury.

6. The specific attribution and corresponding final medical classification furnish reasonable grounds connecting the applicant with the offence within the prohibitory clause of section 497 (1), Cr.P.C. The medical certificate supports the injury and its nature; identification of its author rests upon the ocular account. The delay and counter-version deserve consideration. The NC report, as discussed in the co-accused's order, omitted names, and seven days elapsed even after issuance of the final certificate. These circumstances cannot simply be described as fully explained by treatment. However, the medical record separately records examination at 1:45 p.m. on the occurrence date, fresh injuries and a history of assault. Its examination entries provide material support for the occurrence. On the present material, the delay weakens the prosecution account but does not sufficiently displace the specific attribution supported by the nasal injury. Likewise, the counter-case requires

independent adjudication; its existence alone does not establish which party was the aggressor.

7. The order dated 04.01.2024 granted bail to Mst. Shazia, Mst. Noor Jehan, Ghulam Hussain and Gul Muhammad principally upon general allegations and their vicarious liability. The applicant, attributed the particular injury attracting section 337-A (iii), is differently placed. The assertion that other accused also obtained bail does not establish parity without their respective roles and the reasons for relief.

8. The applicant was arrested on 28.07.2026; the impugned order also records prolonged abscondence and proclamation. Such conduct is no substitute for incriminating evidence and is not treated as proof of guilt. It nevertheless bears upon securing attendance, alongside the substantive material already discussed. *MUHAMMAD IMRAN v. The STATE and others (PLD 2021 SC 903)* recognizes a demonstrated likelihood of evading trial as a relevant consideration in bail adjudication.

9. For the foregoing reasons, reasonable grounds presently exist for believing that the applicant is connected with the alleged offence, and the material does not warrant further inquiry under section 497 (2), Cr.P.C. The application is accordingly **dismissed**. All observations are tentative and shall neither influence the trial nor prejudice either party's case.

JUDGE

Abdullah Channa/PS*