# IN THE HIGH COURT OF SINDH AT KARACHI

**Criminal Bail Application No.2773 of 2026**

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| **Applicant** | : | Muhammad Fadyan son of Muhammad Ali<br>*Through* Mr. Junaid Sikandar Junejo, Advocate |
| **Complainant** | : | Mst. Humaira Jahangir<br>*Through* Mr. Shahab Khan, Advocate. |
| **Respondent** | : | The State<br>*Through* Mr. Mohsin Ali Mangi, Deputy Prosecutor General Sindh. |
| **Date of hearing** | : | 05.11.2026 |
| **Date of Order** | : | 16.11.2026 |

## O R D E R

***KHALID HUSSAIN SHAHANI, J.*** – Applicant Muhammad Fadyan @ Faizan seeks confirmation of interim pre-arrest bail in a case bearing crime No.97/2026, PS Napier, Karachi for offence u/s 337-F(vi), 337-F(i), 337-A(i) and 34, PPC. His earlier application, jointly preferred with co-accused Asif, was dismissed by the learned Sessions Judge/Special Judge (CNS), Karachi South, on 27.08.2026.

2. The allegation setforth in FIR is that on 09.06.2026, at about 10:30 p.m., the applicant and co-accused Asif assaulted Ramzan Ali, brother of complainant Mst. Humaira Jahangir, with kicks, fists and dandas near his timber shop in Soomra Street, Karachi, causing injuries to his right arm and other parts of his body. People of the locality intervened, whereafter the assailants departed while extending threats. The matter was reported to the police on 10.06.2026, and the injured underwent medico-legal examination. Following receipt of the final medical opinion, the FIR was registered on 16.07.2026. The challan has since been submitted.

3. Learned counsel for the applicant pleaded false implication arising from a family dispute over shops and their respective shares. He questioned the applicant's identification as "Faizan", the collective attribution of injuries and the delay in registration of the FIR, and submitted that the offences fall outside the prohibitory clause of section 497(1), Cr.P.C. Learned Deputy Prosecutor General assisted by counsel for the complainant opposed the application, relying upon the applicant's nomination, the supporting statements and the medical evidence of a displaced fracture requiring surgery. He explained the interval in registration by reference to the earlier police report and subsequent

medical opinion, and also referred to the injured's application dated 04.09.2026 alleging threats and pressure to compromise.

4. Heard and examined the record. The discrepancy between "Fadyan" and "Faizan" does not, by itself, establish mistaken identity, particularly when the parties are related and the parentage corresponds. Nor can the interval preceding registration of the FIR be regarded as wholly unexplained, the initial police report and medical examination followed the occurrence, while formal registration took place after receipt of the final medical opinion. These circumstances must receive their proper evidentiary weight at trial.

5. The medical evidence supports the factum of hurt. Injury No.3 was classified as *jurh ghayr-jaifah munaqqilah*, involving a displaced fracture of the lower end of the right radius; the hospital record also confirms operative treatment. The remaining injuries were declared *damiyah*. The seriousness of the fracture cannot be discounted. Its existence, however, does not independently establish the identity of its author. The allegation attributes kicks, fists and danda blows collectively, without identifying the person who inflicted the particular injury attracting section 337-F(vi), PPC. The locality witness, Shumail Abdullah Khanani, refers to an altercation involving Ramzan and Faizan and another person whose name he did not know. His statement affords support to the applicant's presence but does not resolve the precise manner in which the injuries were caused. Individual participation and common intention remain matters for evidence; absence of a separately assigned blow does not, by itself, exclude liability under section 34, PPC.

6. The dispute concerning the family shops is reflected in the statements and documents placed on record. It may furnish a motive for the occurrence, but it also requires caution against possible exaggeration or implication of additional relatives. Considered with the collective attribution of injuries, it lends substance to the applicant's apprehension that arrest may be employed to exert pressure in that dispute. Moreover, section 337-F(vi), PPC, carries a maximum imprisonment of seven years, besides daman; the invoked offences therefore fall outside the prohibitory clause of section 497(1), Cr.P.C. Investigation is complete, the applicant's participation therein is reflected in the investigation papers, and no outstanding investigative requirement necessitating his custody has been identified.

7. The principles governing pre-arrest bail stated in PLD 2009 SC 427[1] require examination of the circumstances suggesting abuse of process alongside a

[1] *Rana Muhammad Arshad v. Muhammad Rafique and another*

tentative assessment of the accusation. In PLD 2024 SC 1241[2], the Supreme Court recognized further inquiry as a relevant ground for such relief and reiterated that bail cannot be withheld as punishment. Likewise, 2024 SCMR 14[3] explains that gravity alone does not justify refusal where the material calls for further inquiry. Applying these principles cumulatively, the applicant has made out a case for confirmation of bail.

8. The injured's application alleging intimidation is a matter of concern, but the available material does not establish those allegations as a concluded act of misuse by this applicant. It nevertheless warrants an express restraint against interference and preserves the right to seek cancellation upon substantiated misuse. Accordingly, the application is allowed, and the interim pre-arrest bail granted to Muhammad Fadyan alias Faizan is confirmed on the same terms and conditions. He shall attend the trial regularly, cooperate with any lawful further investigation, and shall neither directly nor indirectly threaten, coerce or influence the complainant, injured or prosecution witnesses. Any substantiated breach may be made the basis of proceedings for cancellation of bail in accordance with law.

9. These observations are tentative, confined to bail, and shall not influence the trial Court's independent appraisal of the evidence.

**J U D G E**

Shahbaz

[2] *Saeed Ahmed and another v. The State*
[3] *Salman Mushtaq and others v. The State through P.G., Punjab and another*