IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.
Crl. Bail Application No.S-796 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE

Applicant: Ashique Ali S/O Haji Allah Dino Samejo
Through Mr.Ajiz Ali Arbani, Advocate.

The State: **Through Mr.Mansoor Ahmed Shaikh, D.PG.**

Date of hearing & order: **16.11.2026**.

Suresh Kumar J:- Through instant Criminal Bail Application, the applicant/accused Ashique Ali Samejo seeks pre arrest bail in Crime No.304/2026 for the Offences punishable U/Ss 114, 337-F(v), 337-A(i), 337-F(i), 337-L(ii), 147,148,149 PPC registered at Police station A-Section Ghotki..

2. The facts of the prosecution case, as depicted in the FIR, are that on 13.08.2026, the complainant, Ghulam Nabi Samejo, lodged an FIR stating that on 31.07.2026, at 16:00 hours, the applicant/accused, along with the nominated accused, came to the complainant's party at Mathelo Chowk, Ghotki. On the instigation of co-accused Ashif Ali, the applicant/accused caused a lathi blow to the complainant, which struck him on his left arm. Other accused also caused injuries to his son and brother, Shahid and Ghulam Murtaza, respectively, over matrimonial affairs.

3. The applicant/accused initially applied for grant of pre arrest bail which was dismissed, vide order dated 21-08-2026 by learned Additional Session Judge-II Ghotki. Being aggrieved by this dismissal order, the applicant/accused has approached this Court.

4. I have heard learned counsel for applicant/accused, and learned D.P.G Sindh assisted by complainant. Learned D.P.G, and complainant have strongly opposed the grant of bail to the applicant/accused.

5. Having given due consideration to the arguments advanced by the respective parties and having perused the material available on record, it reveals from the perusal of the FIR that the applicant/accused allegedly caused a lathi blow to the complainant, which hit him on his left arm. This injury has been declared as Ghayr Jaifah Hashimah, falling under Section 337-F(v) PPC, which is punishable by up to 5 years and does not fall within the prohibitory clause of Section 497(1) Cr.P.C. Moreover, there is a delay of 13 days in lodging the FIR, which has not been plausibly explained by the complainant. Therefore, consultation and deliberation cannot be ruled out; hence, the case against the applicant/accused calls for further inquiry. The case has been challaned and is pending before the trial court. If, after recording the evidence, the prosecution succeeds in proving the charge against the accused, then punishment for more than three years cannot be visualized. In the similar circumstance, this Court in the case of Ali Jan Chandio and 5 others v.The State (2026 YLR 199) has held at para graph No.5 as under:

> *"5. No doubt the applicants are nominated in the FIR, however the injuries attributed to them are bailable except injury allegedly sustained by the PW Imdad, which per medico legal certificate is punishable undersection 337-F(v) PPC and carries maximum punishment of five years thus does not exceed the limits of prohibitory clause of section 497 Cr.P.C the case has bene challaned which is not pending for trial before the Magistrate . In case after recording evidence the prosecution may succeed to prove the charge against the applicants even then punishment of more than three years can not be visualized. No complaint with regard to mis use the concession of interim pre-arrest has bene brought on record. In the circumstances and in view of dicta laid down by the learned Apex Court in the case of Muhammad Tanveer v. The State (PLD 2017 SC 733) case against the applicants requires for further enquiry within the meaning of subsection(2) of section 497 Cr.P.C."*

6. Moreover, after grant of interim pre arrest bail the applicant/accused has been appearing before the trial Court so also this court and has not misused the concession of interim pre arrest bail.

7. For the foregoing reasons and the guidance taken from the case law cited above, I am of the considered view that the applicant/accused has made out a case for the grant of pre-arrest bail. Consequently, the interim pre-arrest bail granted to the applicant/accused vide order dated 25.08.2026 is confirmed on the same terms and conditions, with a direction to the applicant/accused to appear before the trial court until the final disposal of the case.

8. Needless to say that the above observations are tentative in nature and will not prejudice the case of either party at the time of trial.

J U D G E

Hizbullah