IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.2265 of 2026

Applicant	:	Qamar Hussain son of Babu Khan Jokhio Through Mr. Abdul Wahab Baloch Advocate

Criminal Bail Application No.161 of 2026

Applicant	:	Babu Khan Jokhio alias Babar son of Gul Hassan Through Mr. Ahmed Ali Advocate

Criminal Bail Application No.188 of 2026

Applicants	:	(1) Gulam Rasool son of Rustam Khan (2) Muzaffar Hussain Jokhio son of Ghulam Abbas Jokhio, Through Mr. Ikramullah Khan, Advocate
Respondent	:	The State Through Mr. Qamaruddin Nohri A.P.G. Assisted by Mr. Ahmed Hussain Jokhio Advocate for the Complainant
Date of hearing	:	18.11.2026
Date of Order	:	18.11.2026

O R D E R

KHALID HUSSAIN SHAHANI, J. –Through these applications, arising out of Crime No.03/2026, registered at Police Station Makli, District Thatta, under Sections 337-F(vi), 337-A(i), 506(2), 504, 147, 148 and 149 PPC, the applicants seek confirmation of their interim pre-arrest bail, their earlier applications having been declined by the learned 1st Additional Sessions Judge/MCTC, Thatta, vide order dated 15.01.2026.

2. Briefly, the prosecution alleges that, owing to a matrimonial dispute, the applicants and their associates developed hostility towards complainant Tahir Mehmood and his brother Muhammad Soomar. On 18.12.2025, while the complainant and his brother were returning from the Sessions Court, Thatta, they were allegedly intercepted near Dargah Muhammad Ali on the Thatta–Karachi Main Road by six armed persons, including the applicants, who assaulted them with pistols, lathis and an iron punch. The complainant allegedly sustained injuries to his head and chest, whereas his

brother suffered a fracture of his right hand. Co-accused Kamran alias Qamar allegedly resorted to aerial firing, while threats of murder were extended by the accused before fleeing.

3. Learned counsel for the applicants controverted the allegations, asserting false implication stemming from longstanding matrimonial discord and multiple civil litigations between the parties. Particular reliance was placed upon communication No.CS/HYD/6360/264 dated 04.03.2026, issued by the Medical Superintendent/Civil Surgeon, Civil Hospital, Hyderabad, conveying the unanimous opinion of the Special Medical Board that injury No.2, classified as Ghayr Jaifah Munaqillah and attributed to injured Muhammad Soomar, was possibly fabricated. Conversely, learned A.P.G., supported by learned counsel for the complainant, opposed confirmation of bail.

4. Having considered the rival submissions and examined the available record, it appears that, except for Section 337-F(vi) PPC, the remaining offences are bailable; the said non-bailable offence is punishable with imprisonment extending to seven years and is compoundable. More importantly, the unanimous opinion of the Special Medical Board, raising a distinct possibility of fabrication of the injury attributed to Muhammad Soomar, materially undermines, at least tentatively, the medical foundation of the prosecution case. Such an opinion, emanating from a duly constituted medical forum, cannot be brushed aside at the bail stage. Its ultimate evidentiary worth, however, remains subject to judicial scrutiny at trial. The admitted background of matrimonial discord and pending civil litigation further necessitates cautious appraisal of the accusation. These circumstances, cumulatively considered, render the applicants' involvement and the precise nature of the alleged injuries matters requiring further inquiry rather than an immediate presumption of guilt.

5. Pre-arrest bail, though an extraordinary relief, is intended to protect an individual against unjustified deprivation of liberty where the attending circumstances disclose a reasonable possibility of false implication or ulterior motivation. Its refusal cannot be justified

merely because the accusation involves a non-bailable offence, particularly where the prosecution material itself presents substantial questions requiring determination through evidence. On a tentative assessment, the applicants have made out a case for confirmation of the concession already extended to them.

6. Consequently, all three applications are allowed, and the interim pre-arrest bail granted to the applicants is confirmed on the same terms and conditions, subject to their continued cooperation with the investigation and regular attendance before the learned trial Court. The observations made herein are purely tentative and shall not influence the trial, which shall be decided independently on the evidence brought on record.

J U D G E

Shahbaz