IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 984 of 2026

Applicant:	Ghulam Nabi son of Ghulam Mustafa bycaste Rind **through Mr. Abdul Sattar Thaheem, Advocate.**
Complainant:	Fida Hussain present in person.
The State	**Through** Mr. Mansoor Ahmed Shaikh, Deputy Prosecutor General, Sindh.

O R D E R.
18.11.2026.

Suresh Kumar, J.--- The applicant named above seeks confirmation of the ad-interim pre-arrest bail granted to him by this Court vide order dated 05.10.2026, in a case bearing crime No. 204/2026, for offences under sections 337-F(iii), 337-A(i), 337-F(i), 337-L(ii),114, 34 PPC, registered at Police Station Ubuaro, District Ghotki.

2. The brief facts of the case, as depicted in the FIR, are that on 21.09.2026 complainant Fida Hussain lodged FIR alleging that applicant/accused along with co-accused have caused injuries to him on different parts of body, after treatment went to P.S and lodged FIR.

3. I have heard the learned counsel appearing on behalf of the applicant/accused and learned DPG as well as complainant. Learned DPG has opposed for confirmation of interim pre-arrest bail. Complainant has strongly opposed confirmation of pre-arrest bail .

4. Having given due consideration to the arguments advanced by the learned counsel for the parties, it is revealed from the perusal of the FIR that alleged incident took place on 11.09.2026 while FIR was lodged on 21.09.2026 thus there is delay of 10 days and the same has not been explained, therefore, due deliberation and consultation cannot be ruled out.

In such circumstances the Honourable Supreme Court in the case of **Jamaluddin v. The state (2023 SCMR 1243) i**n paragraph No.6 held as under:-

"(6)…There is no denial to this fact that the FIR was lodged after an inordinate delay of about three days. The only explanation put forth by the complainant is that firstly they got the Police letter for treatment from Civil Hospital and after the treatment they lodged the FIR. However, this explanation does not seem to be impressive, especially when the Police was allegedly approached by the complainant on the very first day. The complainant and the injured PW received injuries on the non-vital parts of the body and the petitioners did not repeat the fire despite having ample opportunity to do so. In this view of the matter, the question whether section 324, P.P.C. would be applicable in the case or not would be determined by the learned Trial Court after recording of evidence."

5. Moroever injury attributed to the applicant/accused has been declared Shujjah-e-Khafifah, Ghair Jaifah Damihah and Ghair Jaifah Mudihah , all injuries sections attributed to the applicant/accused are bailable except section 337-F(iii) PPC which is punishable upto three years and does not fall under prohibitory clause of section 497(1) Cr.P.C. In this regard reliance is placed upon the case of Ali Jan Chandio and 5 others vs. State (2026 YLR 199) has held 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 PW Imdad, which per medico-legal certificate is punishable under section 337-F(v), P.P.C 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 been challaned, which is now 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 cannot be visualized. No complaint with regard to misuse the concession of interim pre-arrest bail has been 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 further enquiry within the meaning of subsection (2) of Section 497, Cr.P.C. Consequently, instant bail application is hereby allowed. Resultantly, interim pre-arrest bail earlier granted to the applicant vide order dated 10.01.2024 is hereby confirmed on same terms and conditions."

6. Moreover, previous enmity is admitted in the FIR, therefore, mala fide on the part of complainant cannot be ruled out. The applicant/accused has joined the investigation and has been regularly appearing before the trial court as well as before this Court, and he has not misused the concession of pre-arrest bail.

7. For the foregoing reasons, I am of the considered view that the applicant/accused has successfully made out a case for the grant of pre-arrest bail. Therefore, the interim pre-arrest bail already granted to the applicant is hereby confirmed on the same terms and conditions, with a direction to appear before the trial court.

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

JUDGE

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