IN THE HIGH COURT OF SINDH BENCH AT SUKKUR.

Criminal Bail Application No.S-684 of 2026.

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE

Applicant: Asif Ali S/O Khadim Hussain Chandio
Through M/S Rab Dino Makwal & Najeebullah Mahessar, Advocate(s).

Complainant: Gada Hussain S/O Arbab Ali Chandio
Through Mr.Nazir Ahmed Junejo Advocate

The State: **Through Mr. Shafi Muhammad Mahar D.PG**.

Date of hearing & order: **17.11.2026**.

Suresh Kumar J:- Through instant Criminal Bail application applicant/accused Asif Ali Chandio, seeks his pre-arrest bail in Crime No.111/2026, Offences U/Ss 324, 114, 147,148,149 PPC, registered at Police Station, Tando Masti Khan District Khairpur.

2. The facts leading to the instant application, as depicted in the FIR, are as follows: The complainant, Gada Hussain, lodged the FIR on 16.06.2026 at 2100 hours, stating that, due to previous enmity over a land dispute, on 15.06.2026 at approximately 5:30 p.m., the applicant, along with the co-accused, attacked the complainant party. The applicant/accused allegedly inflicted a hatchet blow to PW Imran Ali alias Ajiz on his head, while co-accused Asad Ali delivered a hatchet blow to the back of his neck, with the intention of committing murder. The injured party was subsequently taken to the police station and then to the hospital. Thereafter, the complainant appeared at Police Station Jarwar, where he lodged the FIR.

3. The applicant/accused initially applied for grant of pre arrest bail which was dismissed by learned Additional Sessions Judge-II, Khairpur vide order dated 07.07.2026. Being aggrieved by this dismissal order, the applicant has approached this Court.

4. I have heard learned counsel for applicant, and learned D.P.G Sindh assisted by advocate for complainant at length. Learned D.P.G and advocate for complainant have strongly opposed the confirmation of interim pre-arrest bail to the applicant/accused.

5. Having given due consideration to the arguments advanced by the learned counsel for the respective parties and perused the relevant material available on record, It is revealed from the FIR that the applicant/accused, Asif Ali, is assigned the role of causing a hatchet blow to the occipital region of the head of the injured party, and such injury has been declared as Shujja-i-Khafifah, which falls within the ambit of Section 337-A(i) of the PPC, a bailable section. The medical certificate further reveals that the injury attributed to the applicant/accused was caused by a hard and blunt substance, which totally nullifies the version of the ocular account, as it stated that the sharp side of the hatchet was used against the injured. Therefore, the case against the applicant/accused falls within the ambit of further inquiry. There are no allegations of repeated hatchet blows being inflicted on the injured; thus, the applicability of Section 324 of the PPC is yet to be determined at the time of trial. Moreover, the other sections applied in the FIR and challan do not fall within the ambit of the prohibitory clause of Section 497(1) of the Cr.P.C.

6. Moreover, there is delay of 28 hours in lodging of the FIR, which has not been plausibly explained therefore due deliberation and consultation can not be ruled out. 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."

7. The enmity is admitted in the FIR; therefore, mala fide on the part of the complainant cannot be ruled out. After the grant of interim pre-arrest bail, the applicant/accused has been appearing before the trial Court as well as this Court, and he has not misused the concession of interim pre-arrest bail.

8. For the foregoing reasons and the guidance taken from the above case law, I am of the considered view that the applicant/accused has made out a case for the confirmation of interim pre-arrest bail. Therefore, the interim pre-arrest bail granted to the applicants/accused on 15.07.2026 is confirmed on same terms and conditions, with a directions to appear before trial Court till final dispose of the case.

9. 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/PA