IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S-439 of 2026

Applicants:	1. Muhammad Ismail son of Noor Muhammad. **2.** Sahab Khan son of Imam Ali. **3.** Deedar Ali son of Abdullah. All bycaste Shar, resident of village Boug Taluka Nara, District Khairpur **through** Mr. Ali Raza Kanasiro, advocate.
The State	**Through** Mr. Shafi Muhammad Mahar, Deputy Prosecutor General, Sindh.

Date of hearing & Orders: 19-11-2026.

O R D E R.

Suresh Kumar, J.--- Through the instant bail application, the applicants named above seek confirmation of the ad-interim pre-arrest bail already granted to them by this Court vide order dated 13-05-2026, in a case bearing crime No. 60/2026, offence u/s 337A(i), 337F(i), 447, 511, 147, 148, 149 PPC registered at Police Station Sorah, District Khairpur.

2. Concisely, the facts of the prosecution case, as depicted in the FIR lodged by the complainant Ali Raz on 30-04-2026, allege that on 26-04-2026, he and his father, Ali Din, were present on their land. At about 5:00 PM, the accused—Muhammad Ismail, Ishaq, Imam Ali, Noor Muhammad, Deedar, Nisar, Arbelo, Sahib, Hakim, Liaquat, Asif, along with Abdul Rehman wielding a hatchet, Abdullah with a lathi, Arbab with a hatchet, Shahanwaz with a lathi, Wahid Bux with a lathi, Sarwar with a lathi, Behran with a lathi, Akbar with a lathi, Sadiq with a lathi, Hakim with a lathi, Muhammad Rahim with a lathi, and Muhammad Bux with a lathi—arrived at the scene. Accused Muhammad Ismail inflicted lathi blows to the complainant's head, while accused Abdul Rehman struck Sahib Khan and the complainant on the shoulder with a hatchet. When his sister, Mst. Lal Khatoon, and mother, Mst. Habib Khatoon, arrived, accused Arbab delivered a hatchet blow to his sister's head, and accused Deedar Ali struck Mst. Habib Khatoon on the head with a lathi. Subsequently, all the accused fled the scene while threatening dire

consequences. Ultimately, the complainant lodged the aforementioned FIR.

3. The applicant initially sought pre-arrest bail from the Court of the learned Sessions Judge Khairpur, which was dismissed vide order dated 07-05-2026. Being aggrieved by this dismissal, the applicant has approached this Court.

4. I have heard the learned counsel appearing on behalf of the applicant/accused, learned DPG for the State who has strongly opposed the confirmation of interim pre-arrest bail.

5. Having given due consideration to the arguments advanced by the counsel for the applicant/accused, learned DPG for the State and perused the relevant material available on record. From the perusal of FIR it reveals that the incident took place on 26-04-2026 and FIR was lodged on 30-04-2026 after un-explained delay of about 04 days; therefore, consultation and deliberation on the part of complainant cannot be ruled out. In similar circumstances the Honourable Supreme Court in the case of **Jamaluddin v. The state (2023 SCMR 1243)** at 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."*

6. Moreover, the applicant/accused is allegedly assigned the role of causing a lathi blow to the complainant, which struck him on the head, and such injury has been declared as Shajjah-i-Mudihah under Section

337A(ii), which carries a punishment of up to 5 years. Meanwhile, the injuries of the other injured parties are classified as 337F(i) and 337L(ii), which are bailable. All sections applied in the FIR do not fall within the prohibitory clause of Section 497(1) Cr.P.C. The previous enmity over the landed property is admitted by the complainant in the FIR; therefore, mala fides on the part of the complainant cannot be ruled out. All the above cumulative facts call for further inquiry as embedded in Section 497(2) Cr.P.C. In this regard, reliance is placed upon the case of Ali Jan Chandio and 5 others vs. State (2026 YLR 199), which has held as follows:

> *"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."*

7. After grant of interim pre-arrest bail, the applicants/accused have joined the investigation as well as trial Court and have not misused the concession of interim pre arrest bail.

8. For the foregoing reasons and guidance taken from the above case law, I am of considered view that the applicants/accused have

successfully made out a case for the grant of pre-arrest bail, therefore, the interim pre arrest bail already granted to them on 13-05-2026, is hereby confirmed on same terms and conditions with direction to appear before trial Court.

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

Nasim/P.A