

**IN THE HIGH COURT OF SINDH CIRCUIT COURT  
HYDERABAD**

**Crl. Bail Application No.S-879 of 2025**

Applicants: Poonio Rawro son of Eshwar, 2) Dharshi Rawro son of Moti through Mr. Bashir Ahmed Talpur, Advocate alongwith Applicant.

For the Complainant: Sadhyo son of Walji Rawro through Mr. Muhammad Rafique, Advocate.

For the State: Mr. Ghulam Murtaza Mallah, Assistant Prosecutor General Sindh.

Date of hearing: 04-09-2025

Date of Order: 04-09-2025

**ORDER**

**Jan Ali Junejo, J.** – Through the instant application under Section 498 Cr.P.C., the applicants, namely (i) Poonio Rawro son of Eshwar and (ii) Dharshi Rawro son of Moti, seek pre-arrest bail before this Court. This Court had earlier granted ad-interim bail to both applicants vide order dated 08.08.2025, in Crime No.97 of 2025, registered at Police Station Pangrio, Taluka Tando Bago, District Badin, for offences under Sections 452, 506(2), 504, 114, 34 PPC. Their earlier application was dismissed by the learned 2nd Additional Sessions Judge, Badin, vide order dated 28.07.2025, primarily on the ground that the applicants were specifically nominated in the FIR, allegedly participated in house trespass, and were closely linked to the principal accused. The trial Court, while declining bail, observed that the role of instigation and participation prima facie connected them with the commission of the offence.

2. The prosecution case, as per the FIR lodged by complainant Sadhyo son of Walji, caste Rawro, is that on 18.07.2025 at about 12:30 p.m., the applicants, along with other accused, allegedly entered the complainant's house without permission, abused and threatened him and his family, and assaulted him and his wife. It is specifically alleged that on the instigation of co-accused Dharshi Rawro, a hatchet blow was inflicted upon Mst. Jamna, wife of the complainant, causing injury to her left little finger. The complainant claims that the accused also used fists and kicks, issued further threats of murder, and left the scene while brandishing lathis and hatchets. Following the incident, the complainant sought medical treatment for his wife, and interim challan was submitted after usual investigation.

3. Learned counsel for the applicants contends that the applicants are innocent and have been falsely implicated on account of a long-standing property dispute. He submits that the FIR was lodged with an unexplained delay of over six hours, which suggests deliberation and consultation. He further argued that the injuries attributed to Mst. Jamna are not specifically assigned to the applicants, whose role is limited to general allegations of instigation and abuse. It is further urged that except Sections 452 and 506(2) PPC, the remaining sections are bailable and even these do not fall within the prohibitory clause of Section 497 Cr.P.C. Learned counsel submits that the applicants have joined investigation, and their custodial arrest would serve no useful purpose. Lastly, the learned counsel prayed for confirmation of bail.

4. Conversely, learned counsel for the complainant, duly supported by the learned Assistant Prosecutor General, opposed confirmation of bail. They contended that the applicants are specifically nominated in the FIR with a clear role of house trespass, threats, and participation in the incident. They argued that the medical certificate corroborates the injuries sustained by Mst. Jamna, and that the applicants, being closely related to the principal accused, acted in furtherance of common intention; hence they do not deserve

extraordinary concession of pre-arrest bail. Lastly, both of them prayed for dismissal of the bail application.

5. I have carefully considered the arguments advanced by the learned counsel for the parties and perused the record with their able assistance, making only a tentative assessment as permissible at the bail stage. It is an admitted position that the alleged occurrence took place against the backdrop of long-standing enmity and a property dispute, and the FIR was lodged after a delay of approximately six hours, which, although not fatal to the prosecution case, raises questions that merit careful scrutiny, and in this regard, the Honourable Supreme Court of Pakistan in Case of *Abdul Rehman alias Muhammad Zeeshan v. The State and others (2023 SCMR 884)* has held with respect to delay in registration of an FIR that: *“The crime report was lodged after an inordinate delay of five days for which not even a single word has been put forward by the complainant. The delayed registration of FIR prima facie shows deliberations and consultation on the part of the complainant”*. In a similar case concerning the delay in registration of the FIR, *Shaukat Hussain v. The State through PG Punjab and another (2024 SCMR 929)*, the Honourable Supreme Court of Pakistan observed as follows: *“As per contents of FIR, the occurrence in this case took place on 03.05.2008 at 11:30 a.m. and the matter was reported to the Police on the same day at 3:30 p.m. and as such there is a delay of about four hours in reporting the crime to the Police whereas Police Station was situated at a distance of about 20 kilometers from the place of occurrence. No explanation at all was furnished for causing delay in reporting the crime to the Police. The contention that approximately four hours delay in lodging FIR is a normal thing does not appeal to the mind. Had the matter been reported within reasonable time, the police would have easily reached at the place of occurrence within about an hour. Why the matter has not been reported immediately by the eye-witnesses is a question which could not be satisfactorily explained by the witnesses during their evidence. In the circumstances,*

*chances of deliberations and consultations before reporting the matter to the Police cannot be ruled out”.*

6. It is noteworthy that the specific allegation of causing a hatchet blow is attributed to another co-accused, whereas the allegations against the present applicants are general in nature, including instigation, abuse, and fist/kick blows. At the bail stage, a deeper appreciation of evidence is not permissible; however, a tentative assessment indicates that the role of the present applicants is secondary and distinguishable from that of the principal accused, bringing their case squarely within the scope of further inquiry under Section 497(2) Cr.P.C. Furthermore, although the offences alleged are non-bailable, they do not fall within the prohibitory clause of Section 497 Cr.P.C., where the settled rule is that grant of bail is the rule and refusal is the exception. The applicants have already joined the investigation, and there is no material on record to suggest that they are likely to abscond, misuse the concession of bail, or tamper with prosecution evidence. The Honourable Supreme Court, in cases of *Tariq Bashir and 5 others v. The State (PLD 1995 SC 34)* and *Muhammad Tanveer v. The State (PLD 2017 SC 733)*, has consistently held that in cases where the offence does not fall within the prohibitory clause of Section 497 Cr.P.C., grant of bail is the rule, and refusal an exception, unless exceptional circumstances are demonstrated, which are absent in the present matter.

7. In view of the foregoing discussion and the settled principles of law, I am of the considered view that the applicants/accused have succeeded in making out a case for confirmation of pre-arrest bail. Accordingly, the ad-interim pre-arrest bail earlier granted to the applicants vide order dated 08.08.2025 is hereby confirmed on the same terms and conditions. The observations made herein are tentative in nature and shall not prejudice the case of either party at the stage of trial. The learned trial Court is directed to

proceed with the matter expeditiously in accordance with law. These are the detailed reasons for the short order dated 04.09.2025.

**JUDGE**