

# IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

## Cr. Bail Application No.S- 376 of 2025

Applicants: Mumtaz Ali and others through  
Mr. Achar Khan Gabol, Advocate

Respondent: State through Syed Sardar Ali Shah  
Rizvi, APG

Complainant: Jaro Khan through Mr. Asadullah  
Soomro, Advocate

Date of hearing: **05.06.2025**

Dated of order: **05.06.2025**

### ORDER

**Amjad Ali Bohio, J:** Applicants/accused namely Mumtaz Ali son of Muhammad Saleh, Din Muhammad son of Mumtaz Ali, Bakhshan son of Manzoor, and Imran son of Ali Hassan, all by caste Jat, seek post-arrest bail in Crime No.50/2025 registered at Police Station Kandhra under Sections 504, 324, 114, 147, 148, and 149 PPC. Their earlier bail application was dismissed by the learned Additional Sessions Judge-IV (Hudood), Sukkur, vide order dated 05.05.2025; hence, this post-arrest bail application.

2. As per the FIR, on 19.04.2025 at about 11:45 a.m., the complainant Jaro Khan son of Jamaluddin, by caste Sahito, was present with his son Nabi Dino, cousin Muhammad Ibrahim son of Imam Dino, and nephew Ghulam Qasim son of Moula Bux, standing in the street in front of their house in Village Roshanabad, Taluka Rohri, District Sukkur. It is alleged that the present applicants/accused Mumtaz Ali (empty-handed), Din Muhammad (armed with a hatchet), Ghulam Akbar (armed with a pistol), Bakhshan (armed with a hatchet), and Imran (armed with a lathi), arrived at the scene. Mumtaz Ali allegedly used abusive language, warning the complainant not to enter the disputed street. When the complainant party responded that the street belonged to them, Mumtaz Ali allegedly instigated the other accused to attack. Thereafter, co-accused Ghulam Akbar allegedly fired at Muhammad Ibrahim, causing gunshot injuries to his face and right shoulder. Accused Bakhshan allegedly struck Nabi Dino on the head and left eye with a hatchet, and Imran allegedly hit Ghulam Qasim on the head with a lathi, causing bleeding injuries. Upon hearing

gunfire and cries, villagers arrived and intervened, after which the accused fled, hurling further abuses. The injured were taken to the police station, where a letter for medical treatment was obtained, and then referred from RHC Kandhra to GMMC Hospital Sukkur. The motive behind the incident, as stated in the FIR, is a longstanding land dispute. The FIR was registered the same day at 1900 hours.

3. During the hearing, learned counsel for the applicants did not press the application to the extent of applicant Bakhshan son of Manzoor, in view of the constitution of a medical board scheduled to meet on 18.06.2025. The learned Additional Prosecutor General and counsel for the complainant did not oppose this. Accordingly, the bail application, to the extent of Bakhshan son of Manzoor, by caste Jat, is dismissed.

4. Learned counsel for the applicants contended that the applicants are innocent and have been falsely implicated due to a land dispute with the complainant. He pointed to an unexplained delay of approximately seven hours in lodging the FIR, despite the police station being nearby. He submitted that Din Muhammad and Bakhshan were also injured in the same occurrence, and their medical certificates are on record, but their version has not been considered by the police due to alleged political pressure. Counsel argued that Mumtaz Ali was empty-handed and is only alleged to have instigated the assault, which does not constitute an overt act under Section 324 PPC. The roles of the other applicants allegedly involve a single blow or injuries to non-vital parts of the body. He further submitted that applicant Imran is a student, and no medical evidence connects him with any grievous injury. He emphasized that no recovery has been made from any of the applicants, and that the applicants' counter-version has been registered as Crime No.79/2025 at the same police station pursuant to the order of the Justice of Peace. Hence, the case requires further inquiry and the applicants may be granted post-arrest bail.

5. Conversely, the learned Deputy Prosecutor General, assisted by the complainant's counsel, opposed the application, arguing that the applicants are specifically named in the FIR with assigned roles and that the offence under Section 324 PPC is non-bailable.

6. I have considered the arguments advanced by learned counsel for the applicants and the learned Deputy Prosecutor General, assisted by the complainant's counsel, and have examined the material on record.

7. The FIR attributes specific roles to the applicants; however, the nature of their alleged involvement, when viewed in light of the available medical evidence, does not establish their central role in the commission of the offence.

8. The primary firearm injury is attributed to co-accused Ghulam Akbar, who is not before this Court. The injuries caused by the other applicants, though not insignificant, do not appear to be life-threatening or inflicted on vital parts of the body. Particularly, the role of applicant Mumtaz Ali appears limited to verbal instigation, which, in the context of Section 324 PPC, may not qualify as an overt act sufficient to deny bail.

9. The applicants have remained in custody since arrest, and there is no indication of their involvement in tampering with evidence or likelihood of absconding. The fact that Din Muhammad and Bakhshan also sustained injuries and have submitted medical certificates lends weight to the possibility of a counter-version. The unexplained delay in FIR registration, despite the nearby police station, also casts doubt on the prosecution's version. The land dispute between the parties further necessitates deeper scrutiny of the case.

10. No recovery has been made from any of the applicants. Moreover, the registration of a cross-version FIR (Crime No.79/2025) by the applicants strengthens the argument that the matter requires further inquiry, best addressed during trial.

11. Though the offence under Section 324 PPC is non-bailable in nature, it is well-settled that at the bail stage, only a tentative assessment of the evidence is required. The facts and circumstances presented do not indicate that the applicants' alleged involvement is of such a nature as to warrant their continued incarceration pending trial. In the absence of any direct or fatal injury attributed to the applicants, and considering that they have already remained in custody for a considerable period, the balance of justice tilts in favor of granting them bail.

12. In view of the above discussion, and considering that the case requires further inquiry, I am inclined to allow the present bail application

to the extent of applicants Mumtaz Ali, Din Muhammad, and Imran. Accordingly, the bail application in respect of these applicants is allowed, while it stands dismissed for applicant Bakhshan as discussed in paragraph 3. The applicants Mumtaz Ali, Din Muhammad, and Imran are hereby admitted to post-arrest bail subject to their furnishing solvent sureties in the sum of Rs.100,000/- (Rupees One Hundred Thousand) each and a personal bond in the like amount to the satisfaction of the learned trial Court.

13. Needless to mention, the observations made herein are tentative in nature and shall not prejudice the case of either party during the trial. The instant Criminal Bail Application No. S-376 of 2025 stands disposed of in the above terms.

14. These are the reasons for my short order dated 05.06.2025.

JUDGE

Naveed Ali