

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

Cr. Bail Appln. No.S- 351 of 2025.

DATE OF HEARING ORDER WITH SIGNATURE OF HON'BLE JUDGE

1. For orders on office objection as flag A.
2. For hearing of bail application.

7.7.2025.

Mr.Abdul Rehman Bhutto, advocate for the applicant.

Mr. Nazeer Ahmed Bangwar, D.P.G.

Mr. Mohammad Ali Pirzada, advocate for the complainant.

ORDER

KHALID HUSSAIN SHAHANI J.- Through the instant post-arrest bail application, the applicant Aamir Ali seeks his release in Crime No.06 of 2025 registered at Police Station Mahi Makol, for offence under Sections 324, 337-A(i), 337-F(i), 148, and 149 PPC. His earlier application for bail was declined by the learned trial Court vide order dated 28.06.2025.

2. As per the contents of the FIR, the applicant is alleged to be among twelve accused persons, armed with firearms and blunt weapons, who launched an assault upon the complainant party. The specific role attributed to the applicant is that of inflicting a danda blow on the left arm of the complainant, while his co-accused allegedly caused firearm injuries and further blows to other prosecution witnesses.

3. Learned counsel for the applicant has contended that the applicant is innocent and has been falsely implicated due to a prior enmity over landed property, which is also acknowledged in the FIR. It is further submitted that the nature of the injury allegedly caused by the applicant falls within the ambit of Sections 337-A(i) and 337-F(i) PPC, which are bailable in nature and carry a maximum punishment of two years. The counsel has also pointed out that prior to the incident, a

counter FIR bearing Crime No.05 of 2025 had been lodged by co-accused Liaquat Ali against the present complainant, his brother, father, and other family members, thereby suggesting a background of mutual hostility. Moreover, civil litigation between the parties is also pending. The learned counsel has further emphasized that the complainant himself has recorded a statement stating that he has no objection to the grant of bail to the present applicant, which materially diminishes the prosecution's stance.

4. Conversely, the learned Deputy Prosecutor General has opposed the grant of bail. However, learned counsel Mr. Muhammad Ali Pirzada has filed vakalatnama on behalf of the complainant and submitted a no-objection statement regarding the bail plea of the applicant.

5. I have heard the learned counsel for the applicant, the learned DPG for the State, as well as learned counsel for the complainant, and have carefully perused the material available on record. The name of the applicant finds mention in the FIR; however, the specific role attributed to him is limited to inflicting a single danda blow to the complainant's left arm. The injuries alleged to have been sustained fall within Sections 337-A(i) and 337-F(i) PPC, both of which are bailable offences. It is admitted that a prior enmity over immovable property exists between the parties and is also reflected in pending civil litigation. The registration of a counter FIR by the co-accused further raises a question mark over the veracity of the present case. In this backdrop, false implication of the applicant cannot be entirely ruled out. Moreover, the application of Section 324 PPC and the aspect of vicarious liability under Sections 148 and 149 PPC would require deeper appreciation of evidence, which can only be determined during trial. The complainant's no-objection statement further supports the applicant's plea for bail and may indicate either a compromise or lack of prosecutorial interest against him. In view of the foregoing circumstances, I am of the considered view that the case against the applicant calls for further inquiry within the contemplation of

Section 497(2) Cr.P.C. Consequently, the applicant Aamir Ali is admitted to post-arrest bail, subject to his furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and a personal bond in the like amount to the satisfaction of the learned trial Court.

Needless to mention, the observations made hereinabove are purely tentative in nature and shall not influence the outcome of the trial in any manner.

JUDGE

Asghar Altaf/P.A