

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Criminal Bail Application No. 302 of 2025

Applicant : Muhbat Jafri @ Muhbat Khan Jafri
Through Mr. Safdar Ali Bhutto, Advocate

Complainant : Through Ms. Abid Hussain Abro & Co.
Advocates.

The State : Through Mr. Nazeer Ahmed Bhangwar, DPG.

Date of hearing : 18-07-2025
Date of order : 18-07-2025

ORDER

KHALID HUSSAIN SHAHANI, J. – Applicant Muhbat Jafri @ Muhbat Khan Jafri seeks post-arrest bail, in a case bearing crime No.45/2023, registered at Police Station New Foujdari for offences punishable under Sections 324, 337,A(i), F(i), 337,H(2), 114, 147, 148, 149 of PPC. The applicant is aggrieved by the dismissal of his earlier bail application by the learned 5th Additional Sessions Judge, Shikarpur, vide order dated 31-05-2025.

2. Briefly, the prosecution's case stems from a report lodged on 08-03-2023 by complainant Nawab, alleging a dispute over landed property. On the day of the incident, while the complainant and his relatives were proceeding to court for a hearing related to a previous dispute, they were intercepted by the accused persons. The applicant, Muhbat Jafri, along with co-accused Ishaque Jafferri, is specifically alleged to have caused lathi blows to injured Waheed Ali Lodro on his head, right and left arm. Other co-accused are attributed roles of firing and causing injuries with lathis.

3. Learned counsel for the applicant contended that the applicant has been falsely implicated due to an admitted land dispute,

evidenced by a pre-existing criminal litigation between the parties. It was further argued that no specific injury leading to grievous harm is attributed solely to the applicant. The gravamen of the arguments revolved around the contention that the case against the applicant falls within the ambit of "further inquiry" under Section 497(2) Cr.P.C., particularly given the admitted enmity. Crucially, learned counsel emphasized the principle of consistency, submitting that several co-accused, similarly placed, have already been granted bail. It was brought to the attention of this Court that co-accused Abdul Hameed and Saroo alias Ghulam Sarwar have been granted post-arrest bail by this court. Furthermore, co-accused Razza Mohammad, Gul Mohammad, Bukhsh Ali, Mohammad Ishaque, Lakhmir @ Ghulam Mohammad Jafri, Mansoor @ Mansoor Ali, and Meeran alias Sanhro have also been enlarged on bail, some on pre-arrest bail, by the trial court.

4. Conversely, the learned APG, assisted by learned counsel for the complainant, opposed the application, submitting that the applicant is directly nominated in the FIR and is attributed a specific role in causing injuries. It was contended that the offences are grave and do not warrant the concession of bail.

5. This Court has given anxious consideration to the arguments advanced by the learned counsel for the parties and have perused the record. While the applicant is nominated in the FIR and attributed the role of causing lathi blows, it is pertinent to note that his alleged role is in conjunction with co-accused Ishaque. The primary injuries, particularly the firearm injuries, are attributed to other co-accused.

6. More importantly, the principle of consistency weighs heavily in favour of the applicant. This Court cannot overlook the fact that co-accused with similar or even graver allegations, such as Abdul

Hameed and Saroo alias Ghulam Sarwar, have already been granted post-arrest bail by this Court. Furthermore, several other co-accused, including Ishaque, who is alleged to have caused lathi blows alongside the applicant, have been admitted to bail by the trial court. Reliance in this regard is placed upon the judgment of the Hon'ble Supreme Court in *Muhammad Ramzan v. The State* (1986 SCMR 1380), wherein the following observation was made:

"...3. After hearing the learned counsel we feel that prima facie, at this stage, the case of the petitioner is not distinguishable from that of others to whom bail has been allowed. No useful purpose would be served if the bail of Zafar Ullah Khan respondent is cancelled on any technical ground because after arrest he would again be allowed bail on the ground that similarly placed other accused are already on bail. We, therefore, in the circumstances of this case, do not consider it a fit case for grant of leave to appeal. This petition accordingly, is dismissed."

7. Given the foregoing, the applicant has, *prima facie*, succeeded in establishing a case for further inquiry as envisaged under Section 497(2) Cr.P.C., secondarily on the basis of the rule of consistency. Accordingly, the instant bail application is allowed subject to furnishing solvent surety in sum of Rs.100,000/- (Rupees One Lac) along with P.R Bond of like amount to the satisfaction of learned trial court.

J U D G E

Asghar Altaf/P.A