

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
MIRPURKHAS**

Crl. Bail Application No.S-134 of 2025

Applicants: Mitha Khan Wassan @ Arsalan and 02 others,
Through Mr. Ghulam Hussain Malano, Advocate.

Respondent: The State.
Through Mr. Ghulam Abbas Dalwani, D.P.G.

Complainant: Waheed Ali son of Ali Muhammad,
Through Mr. Shahroz Ali Mahar, Advocate.

Date of hearing: 08.08.2025

Date of order: 08.08.2025

O R D E R

Amjad Ali Sahito, J: Through this Bail Application, the applicants/accused seek pre arrest bail in F.I.R No.10/2025 for offence under sections 324, 337-A(ii) 337-F, 506(ii) and 504 P.P.C registered at PS Khan, after rejection of their bail plea by the learned trial court vide order dated 24.05.2025.

2. The details and particulars of the F.I.R are already available in bail application and the F.I.R, as such, need not to reproduce the same hereunder.

3. Per learned counsel, the applicants/accused are innocent, and the complainant has falsely implicated the applicants in this case; that due to previous enmity, the applicants have been booked in this case. He further submits that Section 324 P.P.C has been deleted otherwise the punishment provided under sections 337-A(ii), 337-F 506(ii) and 504 P.P.C does not fall within prohibitory clause of Section 497 Cr.P.C. The applicants have joined the investigation and charge has been framed and now the case is fixed for evidence of prosecution witnesses. Lastly, he prayed for confirmation of the bail.

4. Learned counsel for the complainant as well as learned D.P.G have opposed the grant of bail to the applicants/accused. Learned counsel for the complainant has also produced photographs which are taken on record.

5. Heard and perused.

6. From perusal of the record, it reflects that the allegations against the applicants are that accused Mitha Khan Wassan @ Arsalan caused injuries to Waheed Ali on his forehead; however, the photographs show that it is not a straight wound but a lacerated wound. Further, Section 324 P.P.C has been deleted, and the punishment provided under Sections 337-A(ii), 337-F, 506(ii), and 504 P.P.C does not fall within the prohibitory clause of Section 497 Cr.P.C. The maximum punishment provided for the offence under Section 337-A(ii) is up to 05 years. It is a settled proposition of law that if the offence carries punishment which does not come within the prohibitory clause of Section 497(2) Cr.P.C., the rule is grant of bail and its refusal is an exception. Learned counsel for the complainant and learned D.P.G have failed to agitate exception for refusal of the bail. The applicants are attending the court and have not misused the bail.

8. In view of above, the learned counsel for the applicants has successfully made out a case for the grant of bail within the contemplation of subsection (2) of Section 497, Cr.P.C. Consequently, the instant bail application is allowed, and the interim pre-arrest bail earlier granted to the applicants, is hereby confirmed on the same terms and conditions.

9. The observations made in this decision are of a tentative nature and will not influence the merits of the case.

JUDGE

Faisal