

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Application No. S-412 of 2025

Applicants : 1. Muhammad Paryal s/o Muhammad Suleman
2. Muhammad Saleh s/o Palyo Khan
3. Mashooque Ali s/o Muhammad Bachal
4. Irfan Ali s/o Muhammad Bachal
5. Muhammad Bachal s/o Palyo,
All by caste Hesbani
Through Mr. Safdar Ali Kanasro, Advocate

Complainant : Muhammad Awais son of Behram Khan Hesbani,
Through Mr. Akhtiar Ahmed Hesbani, Advocate

The State : Through Mr. Muhammad Raza Katohar, DPG

Dated of Hearing : 01.09.2025
Dated of order : 01.09.2025

ORDER

KHALID HUSSAIN SHAHANI, J- The above-named applicants seek confirmation of pre-arrest bail, following interim relief extended on 16.05.2025, in a case bearing crime No. 35/2025, for offences under Sections 324, 337-A(i), 337-F(i), 147, 148, and 149 PPC, registered at Police Station Sobhodero, District Khairpur.

2. The prosecution story, as narrated in the FIR, is that on 21.03.2025 at about 6:00 a.m., the complainant and his relatives were attacked in the vicinity of the complainant's residence by the present applicants amongst others, who were allegedly armed with firearm, hatchet, and lathi. Accused Palyo Khan is specifically alleged to have fired at Muhammad Aslam, resulting in grievous injury, while remaining applicants are charged with infliction of simple injuries through blunt or sharp objects. Consequent upon; case was registered inter alia on above facts.

3. Learned counsel for the applicants has submitted that the applicants have been falsely implicated out of malafide and ulterior designs. He contends that the injuries attributed to the applicants are simple, bailable, unsupported by corresponding medical reports, and fall outside the prohibitory

clause of section 497(1) Cr.P.C. It was pointed out by the applicants' counsel that medical evidence belies the ocular account; for example, while it is alleged that applicant Muhammad Saleh wielded a lathi and caused injury to complainant Muhammad Awais, the medical certificate reveals the injury to have been inflicted by a sharp-cutting weapon. Similarly, although applicant Irfan Ali is stated to have used a hatchet against Abdul Jabbar, the medical evidence establishes only a simple injury caused by a hard and blunt object and falling u/s 337-A(i) PPC. The main role under Section 324 PPC pertains exclusively to co-accused Palyo Khan. The applicants, it was argued, have not misused the concession of interim bail granted previously. Learned counsel relied on a series of authorities, notably *2025 YLR 724*, *2025 YLR 246*, *2022 MLD 1088*, *PLD 2019 HC AJK 9*, *2017 YLR 2486*, *2021 MLD 1390*, and *2020 YLR 736*, to substantiate the proposition that bail in cases of simple injury is the rule and refusal the exception.

4. Conversely, learned Deputy Prosecutor General as well as counsel for the complainant have opposed bail confirmation on the ground that FIR was promptly registered, the applicants are clearly nominated with specific roles, and the medical evidence supports the occurrence of injuries to the prosecution witnesses. Nevertheless, it is conceded that the grievous firearm injury falling under section 337-D PPC is solely attributable to co-accused Palyo Khan.

5. Upon careful appraisal of the record and arguments, it appears that while the applicants have been assigned active roles in the commission of the offence, the medical certificates materially contradict the allegations as to the nature of weapons allegedly used and the severity of injuries. The injuries attributed to the present applicants fall within the domain of Section 337-A(i) PPC, and are bailable. The principal ingredient of section 324 PPC has not

been established in relation to these applicants, and their case does not attract the prohibitory clause under Section 497(1) Cr.P.C. The matter thus calls for further inquiry as contemplated under Section 497(2) Cr.P.C. It is settled law, as enunciated in PLD 2019 HC AJK 9 and 2017 YLR 2486, that bail is the norm in such circumstances and refusal is justified only where exceptional grounds are made out.

6. In view of the foregoing, the applicants have made out a case for confirmation of pre-arrest bail. The instant bail application is accordingly allowed. Interim pre-arrest bail granted earlier on 16.05.2025 stands confirmed on the pre-existing terms and conditions. The observations contained herein are tentative and shall not prejudice determination of the case during trial.

J U D G E