

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S-730 of 2025

Applicant : Azeem son of Muhammad Jumman, Magen
Through Mr. Shabbir Ali Bozdar, Advocate

Complainant : Khalid Hussain s/o Jhanghal Khan, Siyal
Through Mr. Ghulam Qadir Rind, Advocate

The State : Through Mr. Shafi Muhammad Mahar, DPG

Date of hearing : 06.10.2025
Date of Short order : 06.10.2025

ORDER

KHALID HUSSAIN SHAHANI, J.— Applicant Azeem, seeks pre-arrest bail in a case bearing crime No.19 of 2025, for offences under Sections 452, 324, 506/2, 337-A(i), 337-F(i), 337-H(ii), 114, 147, 148, and 149 PPC, registered at Police Station Khan Wahan, District Naushahro Feroze. The learned Additional Sessions Judge, Kandiaro, had previously declined a similar bail application, necessitating this reconsideration.

2. According to the prosecution, on 6th April, 2025, the applicant and co-accused entered the complainant's residence armed with iron bars and a pistol, used abusive language, and threatened to forcibly remove the complainant's family from the locality. Subsequently, on instigation of accused Ali Haider, multiple iron rod and pistol butt blows were inflicted upon the complainant, his brother, and nephew. The complainant sustained multiple injuries, as reflected in the medico-legal reports.

3. The learned counsel for the applicant contends that the applicant is innocent and has been maliciously implicated. It is urged that discrepancies exist in the injuries reported: while the memo of injuries notes two injuries, the medical certificates record four, raising doubt as to who caused which injuries. Further, co-accused Ali Gul, facing similar allegations, was granted

post-arrest bail by this Court, and thus, consistency demands that the applicant be extended the same relief.

4. Contrarily, counsel for the complainant emphasizes the grievous nature of the injuries inflicted by the applicant, initially classified as Shujjah-i-Hashimah under Section 337-A(iii) PPC and later reclassified as Shujjah-i-Munaqilah under Section 337-F(iv) PPC by a medical board, underscoring the applicant's involvement and opposing bail.

5. The Deputy Prosecutor General concedes that co-accused Ali Gul has been granted bail on analogous grounds, acknowledging that the principle of consistency applies in the present case.

6. Having evaluated the record, it is evident that the complainant suffered four injuries, of which three are simple under Section 337-A(i) PPC, and one is grievous under Section 337-F(iv) PPC. The precise attribution of these injuries between the applicant and co-accused is a matter for trial determination. The grant of bail to co-accused Ali Gul thus reinforces the applicability of the rule of consistency to the applicant's case. Moreover, the prosecution will not be prejudiced by releasing the applicant on bail, particularly since the investigation is complete, the challan has been submitted, and no evidence suggests misuse of bail concessions. The principles enunciated in *Muhammad Saleem* (1986 SCMR 1380) provide further guidance in favour of bail under such circumstances.

7. Accordingly, the interim pre-arrest bail granted to the applicant on 21.08.2025 is hereby confirmed on the same terms and conditions. The observations made herein are purely tentative and shall not prejudice the substantive merits before the trial court.

J U D G E