

## IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S-388 of 2025

Applicant : Munawar Ali son of Nihal, Channer  
Through Mr. Riaz Ali Shaikh, Advocate

The State : Through Mr. Mansoor Ahmed Shaikh, DPG

Date of hearing : 13.10.2025  
Date of order : 13.10.2025

### **ORDER**

**KHALID HUSSAIN SHAHANI, J.—** The instant application under Section 498 Cr.P.C has been filed by Munawar Ali Channer, the Applicant herein, seeking pre-arrest bail in Crime No.70 of 2025, for offences punishable under Sections 337-A(i), 337-F(i), 452, 504, and 34 PPC, registered at Police Station Tharu Shah, District Naushahro Feroze. It is germane to mention that a similar bail application filed before the learned Sessions Judge, Naushahro Feroze, was declined vide order dated 07.05.2025.

2. The complainant alleges that the Applicant, along with others, unlawfully trespassed into his residence and caused injuries. It is specifically averred that the applicant inflicted injuries with a hatchet on the complainant's head, while the remaining accused are alleged to have caused injuries by *lathi* blows.

3. Learned counsel for the applicant contended that the applicant is an innocent person, falsely implicated due to a familial dispute concerning custody of children. Counsel drew the Court's attention to a material contradiction in the prosecution's case: the occurrence is stated to have taken place at 05:00 p.m. on 17.04.2025, whereas the provisional medico-legal certificate, dated 18.04.2025, reflects that the injured was admitted to hospital at 1:00 a.m. on the same date, i.e., prior to the alleged incident. This discrepancy is substantial and squarely falls within the ambit of Section

497(2) Cr.P.C. requiring further inquiry. The final medical report dated 08.08.2025 classifies the injury as Shajja-i-Mudihah under Section 337-A(ii) PPC, punishable with imprisonment for a term not exceeding five years, thereby excluding the applicability of the prohibitory clause contained in Section 497(1) Cr.P.C. Counsel further submitted that since co-accused Nazeer and others have been granted pre-arrest bail by the learned Sessions Judge vide order dated 07.05.2025, the Applicant is equally entitled to such relief on the well-established principle of parity and consistency.

4. Contrarily, the learned Deputy Prosecutor General strongly opposed the grant of bail, emphasizing that the Applicant is specifically implicated in the FIR as having caused injury with a hatchet to a vital part of the complainant's anatomy.

5. Having given due regard to the arguments advanced and upon perusal of the record, this Court observes that notwithstanding the specific allegations levelled against the Applicant, the discrepancy concerning the timing of the incident vis-à-vis hospital admission recorded in the provisional medico-legal certificate severely undermines the prosecution's case. The final medical examination reveals no gross bony fracture and confirms the injury as Shajja-i-Mudihah, thereby falling within the ambit of Section 337-A(ii) PPC. Consequently, the prohibition under Section 497(1) Cr.P.C. does not attach. It is a cardinal principle of law that under such circumstances, bail is to be considered a rule and refusal thereof an exception as expounded in the authoritative pronouncement of the Hon'ble Supreme Court in *Tariq Bashir v. The State* (PLD 1995 SC 34). Additionally, the grant of bail to the co-accused militates strongly in favour of extending the same relief to the Applicant in the interest of justice and equity. To deny bail would neither advance the ends of justice nor the prosecution's cause, as elucidated in *Muhammad Saleem and others v. The State* (PLD 1986 SC 1380).

6. It is also pertinent to note that the challan has been submitted, and the Applicant is no longer required for investigation. The record is bereft of any evidence indicating misuse or abuse of the concession of bail or attempts to intimidate witnesses; rather, the Applicant has demonstrated cooperation with the investigative process. Pre-arrest bail is recognized as a vital safeguard of individual liberty from mala fide and arbitrary arrests, thereby preventing irreparable harm in the absence of substantive grounds. Having considered these principles, this Court is persuaded that the Applicant has successfully made out a case warranting confirmation of the interim pre-arrest bail.

7. In view of the foregoing, the instant application for pre-arrest bail stands allowed. The interim pre-arrest bail granted to the Applicant on 12.05.2025 is hereby confirmed subject to the same terms and conditions. Any observations made herein are tentative and strictly confined to bail proceedings and shall not operate to bar either party from advancing their respective cases at trial.

**J U D G E**