

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

(i) Cr. Bail Application No. S-528 of 2025

Applicant : Aijaz Ali s/o Niaz Ali, by caste Rajput

(ii) Cr. Bail Application No. S-667 of 2025

Applicant : Sarfaraz @ Heera s/o Niaz Ali, by caste Rajput
Through Mr. Muhammad Hamzo Buriro, Advocate

The State : Through Mr. Mansoor Ahmed Shaikh, DPG

Date of hearing : 25.09.2025

Dated of order : 25.09.2025

ORDER

KHALID HUSSAIN SHAHANI, J.—By this single order, I intend to dispose of both the captioned bail applications, being filed in respect of the same crime bearing No.106/2025, for offences under sections 324, 147, 148, and 149 PPC, registered at Police Station B-Section SIRS, Sukkur. The applicants seek confirmation of the ad-interim pre-arrest bail granted by this Court vide orders dated 23.06.2025 and 06.08.2025 respectively.

2. The brief facts of the prosecution case are that the complainant, Zainul Abdin, lodged the FIR on 07.06.2025, alleging that the applicants Aijaz and others, who are his relatives, have been in dispute with his father for a considerable time. On 06.06.2025, the complainant, along with his neighbor Haider Ali Niazi and brother Shahbaz Ali, was proceeding towards Pak Colony for work. At about 2145 hours, when they reached in front of Shell Petrol Pump near Newpind bridge, Sukkur, they encountered the accused Aijaz Ali and Sarfaraz @ Heera Rajput, residents of Bagh Hayat Ali Shah, coming towards them on a motorcycle. The accused allegedly produced pistols and fired at the complainant with intent to commit his murder, causing injury on the left shoulder. The accused then fled the scene. The complainant was subsequently taken to the Police Station and was provided with a letter for

medical treatment. Eventually, the complainant appeared at the Police Station and lodged the FIR inter alia on above facts.

3. Learned counsel contends, the applicants are innocent and have been made victims of a longstanding enmity. It is submitted that all prosecution witnesses are closely related to the complainant. Prior to this incident, Mst. Shazia, the sister of applicant Aijaz Ali, lodged FIR No. 131/2025 at PS "C" Section Sukkur against the complainant's father and uncle, in which the applicants are named as witnesses. The medical certificate of the complainant indicates the possibility of fabrication in respect of injuries No. 2 and 3, which cannot be excluded. This circumstance places the applicants' case within the scope of further inquiry as envisaged under section 497(2) Cr.P.C.

4. Contrarily, learned Deputy Prosecutor General opposes confirmation of pre-arrest bail, arguing that the applicants are clearly nominated in the FIR as having been duly armed and in furtherance of their common intention came to the scene and fired upon the complainant with the intention to commit his murder. This ocular account is supported by medical evidence; therefore, they are not entitled for the relief sought. However, the learned Deputy P.G has reluctantly conceded that the medico-legal officer has opined that the possibility of fabrication of alleged injuries cannot be ruled out. I have heard learned counsel for the parties and perused the record.

5. A bare perusal of the FIR reveals that the presence of applicant Sarfaraz @ Heera is noted without any overt act and role of causing firearm injuries is attributed specifically to applicant Aijaz Ali, and these injuries are on non-vital parts of the complainant's body. The medico-legal certificate indicates injury No. 1 to be Ghyr-e-Jaifah Damiya and others as Ghyr-e-Jaifah Mutalhimah punishable under sections 337F(i) & (iii) PPC, which do not fall within the prohibitory clause of section 497(1) Cr.P.C. The final medical

report includes a note that the possibility of fabrication of such injuries cannot be ruled out. Such facts necessitate evidence which can only be properly evaluated after a full trial. It is a settled principle that bail in such cases is the rule and its refusal the exception. The case has been challaned and the applicants are no longer required for further investigation.

6. Accordingly, the ad-interim pre-arrest bail already granted to the applicants is hereby confirmed on the same terms and conditions, with the direction that they shall join the investigation and/or trial as required.

7. The observations made herein are tentative in nature and shall not prejudice the case of either party.

J U D G E