

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail App. No. S – 348 of 2025

(Ashfaq Hussain Rind & others v. The State)

Date of hearing : **02.10.2025**

Date of decision : **02.10.2025**

M/s Syed Naimat Ali Shah and Israr Ahmed Shah, Advocates along with applicants (on bail).

Complainant, Muhammad Achar Rind, present in person.

Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.

ORDER

Mahmood A. Khan, J. – By way of this application, the applicants require bail before arrest in Crime No.33 of 2025, registered at Police Station Setharja, District Khairpur for offences punishable under Sections 452, 354-A, 337-A(i), 337-F(i), 506/2, 504, 114, 147, 148, 149, PPC, wherein the allegation against the present applicants is that of causing hurt as well as indecent exposure having been caused to the daughter of the complainant by tearing of her clothes by aggression caused in her home.

2. Learned Counsel for the applicants contends that the parties are in enmity with each other since long, and in this regard, another FIR was got lodged by the applicant party in respect to the same incident, wherein wrong of the complainant party has been brought forward. Learned Counsel further contends that the medical report, as available, specifies injuries which come within the non-prohibitory sphere and the enmity being present requires entertainment of the applicants for consideration of pre-arrest bail.

3. Learned Deputy Prosecutor General, however, contends that though the medical report specifies injuries which are not covered by the prohibitory element, Section 354-A, PPC being present the prohibitory element is liable to be considered.

4. Record shows that the allegation against the present applicants is that of aggression in the house of the complainant. The applicants specifically nominated and the incident having been occurred, which is duly supported by the Medico Legal Report; irrespective to the nature of injuries therein, no material is found available which would disconnect the applicants from the incident reported in the matter, which is also having prohibitory element thereto. As to the FIR lodged by the applicant party, the incident having happened in March no action taken by the applicants to conclude whether the same is about the version or the incident adverse to their stand, prima facie same is found liable to be treated as of different incident.

5. Accordingly, the concession of bail before arrest not being found made out, subject application is **dismissed** on merits. Consequently, the ad-interim pre-arrest bail earlier granted to the applicants by this Court, vide order dated 28.04.2025, is hereby **recalled**.

6. Needless to mention here that observations as above are tentative in nature and not meant to affect merits of the case before the learned trial Court.

The bail application stands **disposed of** in the above terms.

J U D G E

Abdul Basit