

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-325 of 2025

Applicants: 1. Rashid S/o Allah Bachayo Gujju,
2. Inayatullah S/o Allah Bachayo Gujju,
3. Allah Wassayo @ Babu S/o Allah Bachayo.
Through Mr. Haji Khan Hingorjo, Advocate called absent.

Respondent: The State.
Through Mr. Neel Parkash, Deputy P.G.

Date of Hearing: 26.11.2025

Date of Order: 26.11.2025

O R D E R

Shamsuddin Abbasi, J: Through this Bail Application, the applicants/accused Rashid, Inayatullah and Allah Wassayo @ Babu seek pre-arrest bail in Crime No.190/2025 for offence under sections 324, 353, 337-F(i), 147, 148, 149 and 504 PPC of PS Khipro, after dismissal of their bail plea by the learned Additional Sessions Judge, Khipro, vide order dated 18.10.2025.

2. Brief facts of the prosecution case are that on 01.09.2025, Inspector Muhammad Shareef Jamali, SHO P.S Khipro, lodged FIR on behalf of the State by stating therein that he left the police station along with his subordinate staff for patrolling when he received spy information that accused Sayal Dars and others, wanted in Crime No.148/2024 under sections 302 and 311 P.P.C, are available at the scene of offence. It is further alleged that he, along with his staff, went there in order to arrest the said accused persons, where the present applicants allegedly restrained them from discharging their official duty, and during the scuffle, the applicant Inayatullah received hatchet injury on his hand allegedly caused by co-accused Rashid, and thereafter they fled away from the place of incident, hence this FIR.

3. The applicants are present on interim pre-arrest bail, however, their counsel is called absent. They submit that they are innocent and have been falsely implicated in this case; that no such incident occurred in the manner alleged, and that one of the applicants sustained injury at the hands of Inspector Muhammad Shareef Jamali/complainant. It is further

contended that no injury was received by any member of the police party; therefore, case requires further inquiry in terms of Section 497(2) Cr.P.C.

4. Conversely, learned D.P.G for the State has opposed for the grant of bail to the applicants/accused on the ground that applicants have created hurdle to discharge official duty and they physically participated in the alleged offence, therefore, they are not entitled for grant of bail.

5. Heard applicants in person, learned D.P.G for the State and perused the record.

6. It is matter of record that police party was comprised on six police officers/officials who were armed with sophisticated weapons. It is case of the prosecution case that applicants attacked upon the police party but surprisingly none from police party had received any injury. On the contrary, applicant Inayatullah had received injury at his hand. Moreover, applicants/accused who were not armed with weapons fled away from the scene of offence which makes out case of the applicants for further enquiry in terms of Section 497(2) Cr.P.C. It is settled position of that law bail cannot be refused merely on the technicalities if they are entitled for grant of post arrest bail as held by the Hon'ble Supreme Court of Pakistan in a case reported as **2021 SCMR 2086 [Supreme Court of Pakistan]**.

7. In view of the above, the instant bail application is allowed, and the interim pre-arrest bail earlier granted to the applicants vide order dated 12.11.2025 is hereby confirmed on the same terms and conditions.

8. The observations made here-in-above are tentative in nature and would not prejudice the case of either party at the trial.

The application stands disposed of.

JUDGE

Faisal