

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S-744 of 2025

Applicants : 1. Munawar Ali Khan @ Munawar Ali s/o
Naseer Ahemd Khan @ Darho
2. Peer Bux son of Bakhsho, both by caste Leghari
Through Mr. Mushtaque Ahmed Abbasi, Advocate

Complainant : Ali Asghar s/o Janib Khan, by caste Leghari
Through Mr. Mehboob Ahmed Soomro, Advocate

The State : Through Mr. Muhammad Raza Katohar, DPG

Date of hearing : 27.11.2025
Date of order : 27.11.2025

ORDER

KHALID HUSSAIN SHAHANI, J.— Applicants Munawar Ali Khan @ Munawar Ali and Peer Bux seek confirmation of interim pre-arrest bail previously granted on 22.08.2025 in connection with Crime No.90 of 2025 registered at Police Station Sarhad, District Ghotki, implicating them under various penal provisions including Sections 324, 337-A(i), 337-F(i), 147, 148, 149, and 337-H(ii) of the Pakistan Penal Code.

2. The factual matrix, as narrated in the FIR, reveals a backdrop of a matrimonial discord which has ostensibly escalated into violent confrontation. On the morning of 02.08.2025 at about 10:40 a.m., the complainant Ali Asghar accompanied by his brother Abdul Hameed and cousin Rahib Ali was enroute to their native village from Sanghi on a motorcycle. Near Mevo Chachar at Dadan Waro Gopo, they were suddenly intercepted by the accused, in particular, applicant Peer Bux and Munawar Ali wielding *lathies* while others (Manzoor Ahmed, Zafar, and Moosa) were armed with pistols.

3. The FIR alleges that the co-accused publicly announced their intention to "teach a lesson" due to unresolved matrimonial disputes. Consequently, Manzoor Ahmed discharged firearm shots causing injuries to Abdul Hameed's right leg. Zafar and Moosa also fired on the same lower limb region. The present applicants, Munawar Ali and Peer Bux, reportedly inflicted

injuries using *lathi* blows; Munawar Ali struck Abdul Hameed on the left knee while Peer Bux caused a blow to the head. The complainant party's cries for help attracted bystanders, prompting all accused to flee amidst aerial firing. Abdul Hameed, severely injured, was first taken to the police station for official reporting, then moved for medical treatment at Taluka Hospital Ghotki, and subsequently referred to Sukkur Hospital for further care, culminating in the lodging of the FIR.

4. The applicants' counsel submits that they have been falsely implicated, a contention supported by the admitted matrimonial enmity between the parties involved. A critical point raised is the four days delay in lodging the FIR, a delay for which the prosecution has failed to provide a satisfactory explanation beyond generic medical treatment needs. The counsel emphasizes the nature of injuries, which the medical report classifies as *Shajjah-i-Khafifah* and *Ghayr-Jaifah-Damiya*, injuries that are recognized as simple and punishable under Sections 337-A(i) and 337-F(i) PPC, both non-prohibitory and hence bailable offenses. The counsel further contends that Section 324 PPC's applicability is contentious and merits further inquiry under Section 497(2) Cr.P.C, where the stage of trial provides a better forum for detailed scrutiny. They underline that the applicants possess clean criminal records, have actively cooperated with the investigation, and have not abused the privilege of interim bail.

5. In opposition, the learned Deputy Prosecutor General duly assisted by Mr. Soomro, learned counsel for complainant underscores the clarity and specificity of the FIR in identifying the role of the applicants, asserting their active participation in causing injuries with the *lathi*, corroborated by medical evidence. The State highlights the delay in FIR registration is reasonably explicable as the family prioritized urgent medical treatment before formal complaint submission.

6. On a considered examination of the material on record and hearing both parties, this Court notes that the firearm injuries detailed in the FIR are attributed exclusively to the co-accused, while the allegations against the applicants are confined to causing injuries by blunt force using *lathi*. The injuries inflicted by the applicants correspond to simple hurt, classified under Sections 337-A(i) and 337-F(i) PPC, both non-prohibitory offenses, which traditionally attract bail.

7. The question of common intention and active collusion with co-accused involves detailed evidence appraisal, which is beyond the ambit of the bail stage. It is well-established that bail proceedings require a tentative and preliminary assessment rather than a conclusive adjudication of guilt or innocence.

8. It is a matter of record that there exists an admitted matrimonial feud between the parties, which not only provides a potential motive but equally raises the strong possibility of fabricated allegations. The four-day delay in FIR registration without extraordinary justification further fuels suspicion regarding the prosecution's case's *bona fide* nature. Additionally, the prosecution's case relies heavily on closely related witnesses, which casts further doubt on the independent veracity of the allegations.

9. In accordance with the principle laid down by the Supreme Court of Pakistan in (PLD 2009 SC 427) *Rana Muhammad Arshad v. Muhammad Rafique*, pre-arrest bail is an extraordinary remedy, available primarily when mala fide conduct on the part of the complainant or ulterior motives are apparent, or the circumstances are exceptional. It requires the court to consider whether there exist reasonable grounds to believe the accused may not be guilty and if the matter warrants a comprehensive trial inquiry.

10. Taking into account the admitted enmity, nature of injuries as simple and non-prohibitory, absence of independent witnesses, and lack of material suggesting misuse or obstruction of justice by applicants, this Court

finds the case squarely calls for further detailed investigation under Section 497(2) Cr.P.C. The protection of the accused from arrest pending trial in such circumstances is appropriate to prevent unnecessary humiliation and hardship. Such protection shall remain subject to conditions safeguarding the trial process, including mandatory attendance as required by the trial court.

11. Accordingly, the interim pre-arrest bail granted to the applicants vide order dated 22.08.2025 is hereby confirmed on the same terms and conditions previously imposed. It is explicitly directed that the applicants shall faithfully attend trial proceedings as the court may direct.

12. The observations made herein are tentative, strictly confined to the bail forum, and shall not prejudice the merits of the prosecution's case at trial or the accused's defense.

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