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**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
LARKANA**

1st Criminal Bail No.S-661 of 2024

Mukhtiar Ali Chandio

V/S

The State

Applicant:	Applicant present on interim pre-arrest bail.
Complainant:	none present for the Complainant.
State:	Through Mr. Ali Anwar Kandhro, Additional Prosecutor General, Sindh.
Date of Hearing:	14.01.2025
Date of Decision:	14.01.2025

ORDER

Omar Sial, J.- Applicant Mukhtiar Ali son of Alan Chandio has been nominated accused in the F.I.R. No.338/2024, registered under sections 506/2, 337-F(vi), 337-H(ii), 504, 148, 149 at Mehar Police Station. His earlier application seeking bail was dismissed by the Additional Sessions Judge-IV, Dadu, vide order dated 30.10.2024.

2. A background to the case is that the F.I.R. mentioned above was registered on 10.10.2024 on the complaint of Muhammad Iqbal. Iqbal recorded that their relations with accused persons were strained due to matrimonial affairs. On 10.09.2024, when he, along with his son Hamza Ali and his cousin's son Bakht Ali, was on the way to village Ahmed Khan Chandio, at about 05:40 p.m, Mukhtiar Ali, Aijaz Ali, Shahbaz, Asghar and one unidentified armed with pistols and cudgels arrived on the scene. After an exchange of harsh words, a scuffle ensued. Applicant Mukhtiar hit Hamza Ali on his left thigh, while the other accused also beat Hamza and then left the place of incident while making aerial firing.

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3. I have heard the applicant and the learned Additional Prosecutor General. The complainant did not affect an appearance. My observations and findings are as follows.

4. The incident occurred on 10.09.2024, while the F.I.R. was registered one month later on 10.10.2024. While the impact of the delay on the prosecution case will be determined at trial, the unexplained and inordinate delay in registering an F.I.R. for an incident such as the present one raises doubt at this preliminary stage. Malafide cannot be conclusively eliminated at this early stage.

5. The sections (except sections 506/2 and 337-F(vi) P.P.C) under which the applicant is charged are all bailable, where bail should have been granted as of right. An offence under the remaining two sections, though not bailable, falls within the non-prohibitory clause of section 497 Cr.P.C. Keeping in mind the principles enunciated in Tariq Bashir and 5 others vs. The State (PLD 1995 SC 34), I do not see, nor has any been pleaded, exceptional or extraordinary ground to deny the applicant bail.

6. Given the above, the interim pre-arrest bail granted to the applicants earlier is confirmed on the same terms and conditions.


14/11/25
JUDGE