

IN THE HIGH COURT OF SINDH, AT KARACHI

Cr. Bail Appln. No. 1697 of 2025

Applicant : Mumtaz Rind through Mr. Sikander Ali Shar, Advocate.

Complainant : Bhoro through Mr. Ahmed Hussain, Advocate.

Respondent : The State, through Mr. Mumtaz Ali Shah, Addl. P.G.

Date of order : 18.11.2025.

Date of Order : 19.11.2025.

O R D E R

TASNEEM SULTANA, J:-Through this criminal bail application applicant Mumtaz seeks post-arrest bail in crime No.61/2025 registered under Sections 324, 114, 337-A(I), 337-F(I), 504, 427 & 34 PPC at Police Station Mirpur Sarko, District Thatta.

2. Having been rejected his earlier application for grant of post-arrest bail in the same offence in Cr. Bail Application No.604 of 2025, by the learned Ist Additional Sessions Judge, Thatta vide order dated 20-06-2025, the applicant has now approached this Court for the same relief.

3. Brief facts of the prosecution case as narrated in the FIR are that on 05-05-2025 at about 05:30 p.m., the applicant along with co-accused Shaban and one unknown person allegedly came in front of the complainant's house and dropped cattle/thorns there. Upon objection by the complainant, co-accused Shaban allegedly abused and instigated the applicant to kill him, whereupon the applicant allegedly struck the complainant on his head with a hatchet and he fell down. It is further reported that when the complainant's son intervened, the applicant also struck him above the ear, while the unknown associate gave fist and kick blows. Thereafter, the accused persons allegedly damaged the temporary straw structure of the complainant's house and fled away.

4. Learned counsel for the applicant contended that; the applicant is innocent and has been falsely implicated due to admitted enmity between the parties; that the role assigned is of a solitary blow with the blunt side of a hatchet; that the alleged injuries are simple in nature falling under Sections 337-A(i) and 337-F(i) PPC; that the applicability of Section 324

PPC is prima facie doubtful; that delay in lodging FIR creates doubt; that the medico-legal certificate reflects injuries sustained by the applicant in the same occurrence; and that no independent witness has been associated though available, thus the case calls for further inquiry.

5. Learned counsel for the complainant opposed the grant of bail and submitted that the applicant has specifically been assigned the role of a hatchet blow on the head of the complainant, which prima facie reflects intention to cause his death; that Section 324 PPC has rightly been applied; and that the applicant does not deserve concession of bail.

6. Learned APG submitted that the medico-legal certificate of the applicant is available in the police papers and it would require evidence to determine who was aggressor and who was aggressed upon; therefore, he has not opposed bail.

7. It appears that the allegation against the present applicant is that he caused a single blow with the blunt side of a hatchet upon the head of the complainant, while the injury on the son of complainant is a superficial abrasion. The medico-legal certificates show both injuries as simple in nature and do not suggest that the those were dangerous to life or that the act was likely to cause death. The offences under Sections 337-A(i) and 337-F(i) P.P.C., are punishable with Arsh and up to two years, and Daman and up to five years respectively, whereas Sections 504 and 427 P.P.C., carry punishment up to two years, which prima facie indicates that the alleged injuries do not fall within the prohibitory clause of Section 497 Cr.P.C. A question therefore arises as to whether the alleged act was committed with intention or knowledge of causing death so as to attract Section 324 P.P.C., which shall be determined by the trial Court after recording evidence. No independent witness has been associated, despite the place of occurrence being accessible to public. The delay of three days in lodging the FIR remains unexplained. It is also reflected from the medico-legal certificate that the present applicant sustained injuries during the same occurrence, but the investigation so far conducted by the I.O. is silent on this aspect, which prima facie creates doubt regarding the true manner of incident. Investigation stands complete and custody of applicant is no more required. These aspects, prima facie, bring the case within the ambit of further inquiry under Section 497(2) Cr.P.C. Reliance is also placed on case of **Saeedullah and another v. The State (2023 SCMR 1397)**, wherein the Hon'ble Supreme Court has observed that the simple injuries on non-vital parts and absence of repeated blows do not

establish intention to commit Qatl-i-Amd, warranting bail under Section 497(2) Cr.P.C.

9. In view of above facts and circumstances, the applicant is admitted to post-arrest bail subject to his furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and P.R. bond in the like amount to the satisfaction of the trial Court.

10. The observations made herein are tentative in nature and shall not prejudice the trial Court at the time of final adjudication.

JUDGE

Shabir/PS