

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail App. No. S – 325 of 2025

(Qasim alias Muhammad Qasim & another v. The State & another)

Date of hearing : **01.09.2025**

Date of decision : **01.09.2025**

M/s Sheeraz Fazal and Akhtiar Hussain Bhanbhro, Advocates along with applicants (on bail).

Mr. Ghulam Mujtaba Sahito, Advocate along with complainant.

Mr. Khalil Ahmed Maitlo, Deputy Prosecutor General.

ORDER

Mahmood A. Khan, J. – In the present bail application, the applicants have sought bail in Crime No.39 of 2025, registered at Police Station Mehrabpur, District Naushahro Feroze, under Sections 324, 147, 148, 504, PPC, wherein the injuries are attributed to have been caused by the present applicants.

2. Learned Counsel for the applicants contends that the role of Qasim (i.e. applicant No.1) is that he caused an to the right elbow of the complainant, which is of grievous nature, whereas Irfan has been attributed the role of causing injury on the head of the complainant. It is further contended that a delay of two (02) days is present in matter, and enmity being admitted, the same provides grounds for the pre-arrest bail application filed in the matter. Learned Counsel for the applicants relies upon the following authorities in support of his contentions:

- *Muhammad Ijaz v. The State and others* (2022 SCMR 1271)
- Unreported order dated 02.03.2022 of this Court, passed at Principal Seat in the case of *Asif Masih and others v. The State* (Cr. Bail Application No. 2070 of 2021)
- Unreported orders dated 10.10.2023 of this Court, passed in the cases *Ubedullah alias Naveed and Muhammad Salim v. The State* (Cr. Bail Appl. No. 2068 and 2018 of 2023)

3. Learned Counsel for the complainant, however, contends that no mala fide is present or shown on part of the complainant. He further contends that the enmity is a double-edged sword. A nineteen (19) years old young man has been severely and grievously hurt, and specific roles, along with common intention, are clearly mentioned in the FIR, wherein aggression and attack are attributed to the applicants.

4. Learned DPG supports the rejection of bail order granted in the matter by the learned Sessions Judge, Naushahro Feroze, and relies upon the case reported as **2023 SCMR 975**, contending that Section 324, PPC, was duly considered in the rejection of bail.

5. Having heard the learned Counsel and gone through the record, apparently, the nature of injuries available in the matter requires consideration of the grant or otherwise of bail. The same were looked into, wherein the grievous hurt attributed to Qasim comes within the ambit of Section 337-F(vi), PPC, requiring seven (07) years' punishment, whereas the case of Irfan, on account of the head injury caused by him, clearly stands outside the availability of entertainment at this stage. It is also observed that the pre-requisite of pre-arrest bail being malafide is apparently absent.

6. In the said circumstances, the bail application is found not liable to be entertained and is accordingly **dismissed** and ad-interim pre-arrest bail earlier granted to the applicants by this Court, vide order dated 18.04.2025, is hereby recalled. However, on account of the requirement of witnesses, it is reasonably expected that the learned trial Court shall attempt to conclude the trial, especially the examination of important witnesses, within a period of two (02) months.

7. The observations made above are tentative in nature and are not meant to affect merits of the case before the learned trial Court.

J U D G E