

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail App. No. S – 618 of 2025

(Syed Nadir Ali Shah and others v. The State)

Date of hearing : 16.09.2025

Date of decision : 16.09.2025

Mr. Muhammad Bux Bangwar, Advocate for applicants.

Mr. Muhammad Raza Soomro, Advocate for complainant, who filed power today.

Mr. Aftab Ahmed Shar, Additional Prosecutor General.

ORDER

Mahmood A. Khan, J. – Bail has been sought by the applicants in Crime No.39 of 2025, registered at Police Station Shaheed Murtaza Mirani, District Khairpur, for offences punishable under Sections 324, 337-U, 337-A(i), 147, 148, 506/2, PPC, wherein it is stated against the applicants that they have caused grievous hurts to the complainant and his two accompanying persons, wherein applicant No.1 / Syed Nadir Ali Shah is said to have caused injuries to Ghulam Jan, and the other injuries have been caused by the other applicants.

2. Learned Counsel for the applicants contended that enmity is alleged in the FIR. He further contends that in respect to the injury caused to Ghulam Jan, the *Arsh* is provided, and in case the *Arsh* is not paid, then incarceration is available. He further contends that at this bail stage, the lesser sentence is to be considered. He also contends that Section 324, PPC, is not made out based upon the material as present, as no firing has been caused or alleged. He further contends that the injury of tooth being broken, as present in the matter, is not coming up within the sections against which the charge has been framed. In support of his contentions, he has relied upon the cases reported as 2009 YLR 344 [Karachi], 2011 MLD 825 [Peshawar], 2005 YLR 1664 [Lahore], 1997 P Cr. L J 35 [Lahore], 2023 SCMR 734, PLD 2017 Supreme Court 733, 2023 SCMR 679, 2025 SCMR 13 and 2023 SCMR 1397.

3. Learned Counsel for the complainant, however, contended that Syed Nadir Ali Shah in the present matter, who has caused the grievous injuries, was previously convicted for murder and was got released on account of compromise. He further contends that repetition of crime is available on his part in the said circumstances, whereas Section 324, PPC, as alleged in the matter all the applicants' bail is not likely to be entertained.

4. Learned Additional Prosecutor General, however, relying upon Sections 332 to 336, PPC, contended that the injury caused to Ghulam Jan amounts to Shajjah-i-Mudihah and the charging section is not important, whereas material present on record is to be seen. He further contends that the authority, relied upon by learned Counsel for the applicants, has already been discussed in other cases to be not considered being obiter dictum.

5. Having heard the learned Counsels and gone through the record, it may be observed that this is the bail stage and only a tentative assessment is liable to be made. The medical record in the matter is yet to be put to test by way of cross-examination. Even otherwise, as far as the framing of charge is concerned, it is open for the learned trial Court to reframe the charge on being pointed out and in presence of the material available in this regard.

6. As to the nature of injuries alleged in the matter with the supporting material presently only Syed Nadir Ali Shah is found liable to be connected with the crime alleged against him having sufficient material causing a non-bailable offence, and accordingly, his bail application is not entertained, whereas the application for Syed Akhtar Ali Shah, Syed Mithal Shah and Syed Nazeer Ali Shah is found entertainable, and as such, they are found entitled for granting bail.

7. Applicant No.1 / Syed Nadir Ali Shah is alleged to have caused the victim Ghulam Jan injuries coming within the ambit of Shajjah-i-Mudihah,

as such, which does not come under the element of Section 497, Cr.P.C., and accordingly, the application stands **allowed** in respect to the above referred accused namely, Syed Akhtar Ali Shah, Syed Mithal Shah and Syed Nazeer Ali Shah, who are granted bail subject to their furnishing solvent surety in the sum of Rs.50,000/- (*Rupees fifty thousand*) each and P.R. bond in the like amount to the satisfaction of the learned trial Court, whereas bail application of Syed Nadir Ali Shah is not found liable to be entertained at this stage and is accordingly **dismissed**.

8. Needless to mention here that observations as above are tentative in nature and not meant to affect merits of the case before the learned trial Court.

The bail application stands **disposed of** in the above terms.

J U D G E

Abdul Basit