

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Criminal Bail Application No. S – 23 of 2026

*Riaz Ahmed Bhatti*

vs.

*The State*

For the Applicant : Mr. Muhammad Farooque  
Rajper, Advocate

Date of hearing : 07.01.2026

Date of announcement : 07.01.2026

## ORDER

**Agha Faisal, J.** (1) Urgency granted. (2) To be addressed within a week (3) Learned counsel undertakes to place on record certified copies, true translations etc. during the course of the week; application disposed of in terms herein. (3) The applicant seeks pre-arrest bail, in respect of F.I.R. No.12 of 2025, registered on 06.02.2025 before P.S. Setharja, District Khairpur, pertaining to offences under Sections 452, 324, 34, P.P.C.

2. Learned counsel submits that the applicant surrendered before the Court of the Additional Sessions Judge, Mirwah, however, vide order dated 05.12.2025, in Cr. Bail Application No.2639 of 2025, the applicant's application for pre-arrest bail was dismissed, hence, the present proceedings.

3. After considering the submissions of the learned counsel and sifting<sup>1</sup> through the material placed before the court, reproduction whereof is eschewed herein<sup>2</sup>, it is observed as follows:

- a. The allegation levelled against the applicant was that of violence coupled with threats.
- b. Learned counsel for the applicant pleaded entitlement to the concession of pre-arrest bail on the premise that matter falls in the non prohibitory clause; FIR is inordinately delayed by five days; the underlying issue is a family property dispute and the FIR is intended to pressurize the applicant into conceding unwarranted pecuniary benefits to the other side.
- c. *Prima facie* the record did not contradict the assertions of the learned counsel.

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<sup>1</sup> *Shoaib Mahmood Butt vs. Ifthikhar Ul Haq & Others* reported as 1996 SCMR 1845.

<sup>2</sup> *Chairman NAB vs. Mian Muhammad Nawaz Sharif & Others* reported as PLD 2019 Supreme Court 445; *Muhammad Shakeel vs. The State & Others* reported as PLD 2014 Supreme Court 458.

d. It has been reasoned that the basic foundation of prosecution remains to be laid, hence, demonstrably qualifying the present case within the remit of Section 497(2) of the Code of Criminal Procedure 1898. Therefore, denial of anticipatory bail in the present circumstances, in an arguably fit case for consideration of post arrest bail<sup>3</sup>, on a technicality would be unconscionable and unmerited<sup>4</sup>.

e. Learned counsel has articulated a *prima facie* case for consideration of judicial refuge<sup>5</sup>, envisaged to protect the innocent / vulnerable from the rigors of abuse of process of law and harassment<sup>6</sup>; so as to protect human dignity and honor<sup>7</sup> from the humiliation of incarceration, arguably intended for designs extraneous and *mala fide*.

4. The contentions raised merit deliberation, therefore, notice may be issued to the office of the Additional Prosecutor General Sindh, Investigative Officer and the Complainant. In the intervening period the applicant is admitted to interim pre-arrest bail, subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees fifty thousand only) and a personal recognizance bond, in the like amount, to the satisfaction of the Additional Registrar of this Court. To come up on 27.01.2026 for confirmation hereof or otherwise.

5. It is considered pertinent to record that the observations herein are of tentative nature and shall not influence and / or prejudice the case of either party at trial.

JUDGE

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<sup>3</sup> Muhammad Ramzan vs. Zafar Ullah & Another reported as 1986 SCMR 1380.

<sup>4</sup> Khalil Ahmed Soomro & Others vs. The State reported as PLD 2017 Supreme Court 730; Hassan Jameel Ansari & Another vs. National Accountability Bureau & Another reported as 2012 YLR 2809 (Division Bench Judgment of this Court).

<sup>5</sup> Per Qazi Muhammad Amin J. in Ghulam Farooq Channa vs. The Special Judge ACE (Central I) Karachi & Another (Criminal Petition 169 of 2020) approving Hidayat Ullah Khan vs. The Crown reported as PLD 1949 Lahore 21 (Per Cornelius J.).

<sup>6</sup> Ajmal Khan vs. Liaqat Hayat & Another reported as PLD 1998 Supreme Court 97.

<sup>7</sup> Murad Khan vs. Fazle Subhan & Another reported as PLD 1983 Supreme Court 82.