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## **CERTIFICATE OF THE COURT IN REGARD TO REPORTING**

Crl. Bail Appl No. S- 16 of 2025

Abdul Wahab Luhur

VERSUS

The State

### **SINDH HIGH COURT**

Composition of Bench Before Mr. Justice Muhammad Saleem Jessar

Single/D.B.

Dates of Hearing: 19.05.2025

Decided on 19.05.2025

(a) Judgment approved for  
Reporting

YES

NO

*19.5.2025*

### **C E R T I F I C A T E**

Certified that the judgment / Order is based upon or enunciates a principle of law / decides a question of law which is of first impression / distinguishes/ over-rules/ reverses/ explains a previous decision.

Strike out whichever is not applicable

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NOTE - (i) This slip is only to be used when some action is to be taken.

(ii) If the slip is used. The Reader must attach it to be the top of the first page of the judgment

(iii) Reader must ask the Judge writing the Judgment whether the Judgment is Approved for reporting

(iv) Those directions which are not to be used should be deleted

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ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA  
1<sup>st</sup> Cr. Bail Appln. No. S- 16 of 2025

Date of hearing	Order with signature of Judge
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Applicant : Abdul Wahab Luhur, through Mr. Mumtaz Ali Brohi, Advocate.

The State : Through Mr. Ali Anwar Kandhro, Addl. P.G.

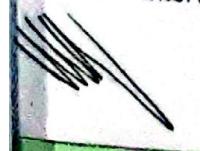
Complainant : Through Mr. Inam-ur-Rehman Abro, Advocate.  
(Ayaz Ali Luhur)

Date of hearing : 19.05.2025.  
Date of Order : 19.05.2025.

### O R D E R.

Muhammad Saleem Jessar, J.- Applicant Abdul Wahab son of Gulsher Luhur, seeks his release on post arrest bail in Crime No.135/2024, registered with Police Station Ratodero, District Larkana, under Sections 337-A(i), 337-F(iii), 504, 148, 149, PPC. The case has been challaned, which is now pending for trial before the Court of Civil Judge & J.M-II, Ratodero vide Cr. Case No.323/2024, re-The State v. Basheer Ahmed & others. The applicant filed bail application before the trial Court, which by order dated 31.12.2024 was declined. The applicant then approached the Court of Sessions with the same prayer, which met with same fate in terms of order dated 09.1.2025 passed by the Additional Sessions Judge, Ratodero. Hence, instant bail application has been maintained.

2. According to the case of prosecution, on 06.08.2024, at 12.00 noontime, near the clinic of Dr. Ramesh Lal in Ratodero town, the accused persons, namely, Shabir, Abdul Wahab, Gulsher, Rabail, all by caste Luhur along with two unidentified accused, attacked upon the complainant party, wherein accused Abdul Wahab and Rabail stabbed complainant Ayaz Ali Luhur, while accused Gulsher inflicted kicks and fist blows to him(complainant); then on the intervention of witness and others the accused persons left the scene. To such



effect instant FIR was lodged by the complainant at Ratodero Police Station on 17.08.2025.

3. Learned Counsel for the applicant submits that both parties i.e. the complainant and the accused are relatives *inter se* and are on inimical terms with each other over matrimonial dispute. He submits that alleged incident took place on 06.08.2024, whereas the FIR was lodged on 17.08.2024 i.e. after the delay of 11 days and no plausible explanation has been furnished by the prosecution for such an inordinate delay. He next submits that role attributed to the applicant is that he along with co-accused Rabail caused knife blows to injured complainant and per medical evidence the injuries attributed to the applicant and co-accused Rabil have been declared to be falling under Sections 337-A(i), PPC, which is bailable and 337-F(iii), punishable for 03 years; as such, the alleged offence does not fall within prohibitory clause of Section 497, Cr.PC; hence, he prays for grant of bail to the applicant.

4. Learned Addl. P.G. does not oppose the bail application. However, learned Counsel for the complainant, opposes the application and contends that the applicant is nominated in the FIR with specific role of causing knife injuries to injured complainant, therefore, he does not deserve the concession of bail.

5. Heard. Record perused.

6. Per prosecution case, the alleged incident is said to have occurred on 06.08.2024, whereas the FIR was lodged on 17.08.2024 i.e. after the delay of 11 days and no plausible explanation has been furnished by the prosecution for such an inordinate delay. The parties appear to be related *inter se* and are said to be on inimical terms with each other over the matrimonial affairs. Per FIR, the applicant and co-accused Rabail are alleged to have caused knife blows to injured complainant; however, according to the medical evidence the injuries attributed to the applicant and co-accused Rabail have been declared to be falling under Section 337-A(i) and 337-F(iii), PPC, the punishment prescribed under the law for these injuries does not exceed the limits of

prohibitory clause of Section 497, Cr.PC. Besides, the case is being tried by Judicial Magistrate, where, after recording evidence, if the prosecution may succeed to prove the charge against the accused, even then punishment of more than three years cannot be visualized. In the circumstances and in view of the dicta laid down by the learned apex Court in the case of *Muhammad Tanveer v. The State (PLD 2017 SC 733)*, case against the applicant requires further enquiry within the meaning of sub-section (2) of Section 497, Cr.P.C.

7. Upshot of above discussion is that the applicant has been able to make out a good *prima facie* case for grant of bail. Accordingly, instant bail application is hereby allowed. The applicant shall be released on bail subject to his furnishing solvent surety in the sum of Rs.50,000/- (rupees fifty thousand) and P.R. Bond in the like amount to the satisfaction of trial Court.

~~JUDGE~~

Qazi Tahir PA/