

THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANO

2nd Criminal Bail No.S-687 of 2025

Applicants: (1). Sagheer alias Sagheer Hussain
(2). Ghulam Shabir
(3). Ghulam Murtaza, all three sons of
Maqsood Ali Mugheri
(4). Muhammad Ramzan alias Mansoor Ali son
of Sagheer alias Sagheer Hussain Mugheri.
Through Mr. Muhammad Afzal Jagirani,
Advocate.

Complainant: Khadim Hussain, present in person.

The State: Through Mr. Aitbar Ali Bullo, Deputy
Prosecutor General, Sindh.

Date of Hearing: 07.09.2026

Date of Order: 07.09.2026

ORDER

RIAZAT ALI SAHAR, J.-. Through instant criminal bail application, applicants Sagheer alias Sagheer Hussain, Ghulam Shabir and Ghulam Murtaza, all three sons of Maqsood Ali Mugheri and Muhammad Ramzan alias Mansoor Ali Mugheri seek pre-arrest bail in the case emanating from F.I.R No.389/2025, registered at P.P Pakho, Police Station Kamber-City for offence punishable under Sections 337-A(i), 337-F(i), 34, 506/2, 504 P.P.C.. Prior to this, the applicants preferred their bail plea before the Trial Court i.e. Additional Sessions Judge-II, Kamber, which was declined vide order dated 11.11.2025; hence this bail application has been maintained.

2. According to the prosecution case as narrated by the complainant that there was a previous landed dispute between the parties, on account of which they harboured resentment against each other. On 30.10.2025, the complainant was allegedly travelling towards Waggan Town on his CD motorcycle along with his brother, Sajid Hussain, and father, Muhammad Ibrahim, while he himself was driving the motorcycle and at about 10:00 a.m., when they reached near the Traveller's Inn situated close to village Karam Bouk, they saw and identified the

applicants/accused, who arrived there on two motorcycles, armed with firearms and dandas and started abusing them by saying that, since the complainant had involved them in court cases, they would not be spared. Thereafter, accused Sagheer allegedly inflicted pistol-butt blows on the complainant's left eyebrow and nose; accused Ghulam Shabir inflicted a pistol-butt blow below his left eye; accused Muhammad Ramzan struck him with a danda on his left arm; and accused Ghulam Murtaza caused a danda blow to his right arm. On cries of the complainant party, accused Sagheer allegedly snatched the key of the motorcycle from the complainant, while accused Muhammad Ramzan robbed him of his touch-screen mobile phone and accused Ghulam Shabir took away cash from his possession and fled away from the scene along with the complainant's motorcycle. Hence the instant F.I.R.

3. Per learned counsel, the applicants/accused are innocent and have been falsely implicated in the instant case by the complainant with mala fide intention and ulterior motives. He contends that the F.I.R. was lodged with an unexplained delay of about four days, which has not been satisfactorily explained by the complainant, thereby creating serious doubt regarding the genuineness of the prosecution case and providing room for the possibility of false implication of the applicants. Learned counsel further submits that the injuries attributed to the applicants/accused, as narrated in the F.I.R., are yet to be properly assessed and appreciated by the learned Trial Court in the light of the medical evidence, and it remains to be determined as to which particular injury is attributable to which accused. He contends that the precise role and liability of each applicant cannot be conclusively determined at this stage and, therefore, the matter requires further inquiry. It is further submitted that the challan has already been submitted before the learned Trial Court and the applicants/accused are regularly appearing and attending the proceedings. They are no longer required for investigation or for any further inquiry by the police. Learned counsel maintains that the guilt or innocence of the applicants is yet to be determined by the learned Trial Court after recording and appreciating the evidence of the parties, and that continued incarceration of the applicants would serve no useful purpose. Lastly, learned counsel submits that the applicants are neither likely to abscond nor tamper with the prosecution evidence and undertake

to attend the learned Trial Court on each and every date of hearing. He, therefore, prays that, keeping in view the unexplained delay in lodging the F.I.R., the disputed attribution of injuries, completion of investigation and submission of challan, as well as the applicants' regular attendance before the learned Trial Court, their interim pre-arrest bail may be confirmed on the same terms and conditions.

4. The injured/complainant is present in Court, while learned Deputy Prosecutor General, Sindh, has vehemently opposed confirmation of the interim pre-arrest bail already granted to the applicants/accused. He submits that the applicants have been specifically nominated in the F.I.R. with specific roles attributed to each of them.. It is, therefore, argued that the applicants do not deserve the extraordinary concession of pre-arrest bail, particularly when no mala fide or ulterior motive on the part of the prosecution has been established. Accordingly, learned D.P.G. has prayed for dismissal of the application and refusal of confirmation of the interim pre-arrest bail.

5. I have heard learned counsel for the applicants/accused, learned D.P.G., Sindh, and the injured/complainant, who is present in Court, and have carefully gone through the available record.

6. Seemingly the applicants have been specifically nominated in the F.I.R. However, the F.I.R. was lodged after an unexplained delay of about four days, which, at this stage, has not been satisfactorily explained by the complainant. Such delay, *prima facie*, creates a question requiring further enquiry regarding the circumstances in which the applicants have been nominated. The contention of learned counsel regarding the attribution and nature of injuries also requires consideration. The question as to the exact injury attributable to each of the applicants and the extent of their individual liability is a matter, which can appropriately be determined by the learned Trial Court after recording and appreciating the evidence, particularly the ocular and medical evidence. At this stage, it would not be appropriate to consider a deeper appreciation of the evidence or record any definitive finding with regard to the guilt of the applicants. It is also an admitted position that the investigation has been completed, challan has been submitted before the learned Trial Court and the applicants are regularly attending the proceedings and they did not

misuse the concession of bail. They are, therefore, no longer required by the investigating agency for the purpose of investigation. Moreover, the question of their ultimate guilt or innocence is yet to be determined by the learned Trial Court on the basis of evidence.

7. Accordingly, the bail application stands **allowed**. Consequently, the interim pre-arrest bail granted to the applicants/accused by this Court vide order dated 04.12.2025 is hereby **confirmed** on the same terms and conditions.

8. Nevertheless, it has been observed that the findings and observations made herein are purely tentative in nature and have been recorded solely for the purpose of deciding the present bail application. They shall not prejudice or influence the case of either party during the course of trial, which shall be decided strictly on the basis of the evidence adduced before the trial Court.

Judge

Manzoor