

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Bail Application No.S- 987 of 2026

Date of hearing: 14.09.2026.
Date of order: 14.09.2026.

Syed Khalid Ali, Advocate for applicants along with applicants
(on bail).

Mr. Altaf Khokhar, D.P.G for State along with IO/SIP Fayaz
Zaman PS Tando Yousuf.

ORDER

ABDUL MOBEEN LAKHO, J.- Applicants/accused Shahid Hussain and Ali Raza seek pre-arrest bail in Crime No.81/2026 registered at Police Station Tando Yousuf, Hyderabad for offences u/s 337-A(ii), 337-F(i), 504, 506, 147, 148, 149 PPC. Previously, the applicants/accused applied for the same relief before the learned IInd Additional Sessions Judge, Hyderabad but the same was declined vide order dated 22.07.2026.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Learned counsel appearing on behalf of the applicants contends that applicants are innocent and have falsely been implicated in the case in hand with malafide intention and ulterior motive of the complainant; that FIR is delayed by 10 days; that present FIR is the counter blast of FIR No.108/2026 lodged by one of co-accused Muhammad Haris Shaikh against the complainant party; that co-accused have already been granted pre-arrest bail by the trial Court hence rule of consistency applies. He lastly prayed for confirmation of interim pre-arrest bail.

4. On the other hand, learned D.P.G opposed the confirmation of interim pre-arrest bail on the ground that the applicants/accused are nominated in FIR with specific role of causing injuries to the injured persons.

5. Heard learned counsel for the parties and perused the entire material available on record.

6. Admittedly, the incident as shown is said to have taken place on 08.06.2026 whereas report thereof was lodged on 18.06.2026 i.e. after the delay of 10 days though the distance between P.S and place of occurrence was only two kilometer and no plausible explanation has been furnished by prosecution for such an inordinate delay. The delay in criminal cases has always been held by the Superior Courts to be fatal for prosecution. The offence with which the applicants/accused stand charged carries the maximum sentence of 05 years imprisonment. The general rule in such like cases is that bail should be granted unless some exceptional circumstances exist to justify denying the grant of bail. In this case no such exceptional circumstance exists. Co-accused having more or less similar role have already been granted bail by the trial Court. Hence on the rule of consistency the present applicants are also entitled for the same relief. Apparently, the present FIR is counter blast of FIR No.108/2026 lodged by the accused party against the complainant party. Challan has been submitted and the applicants/accused are no more required for further investigation. The applicants after furnishing surety before this Court have joined the investigation/trial and no allegation of misusing the concession of bail has been brought on record to believe that applicants have violated the terms and conditions of the bond they have executed.

7. Based upon the above discussion the applicants have made out a good case for grant of pre-arrest bail. Accordingly, the instant bail application is allowed and the interim pre-arrest bail already granted to the applicants on 27.07.2026 is hereby confirmed on same terms and conditions.

8. Needless to mention here that the observations made hereinabove are tentative in nature and will not prejudice the case of either party at trial.

9. Pre-arrest bail application is disposed of in above terms.

JUDGE