

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

Criminal Bail Application No.S- 149 of 2026

Mr. Saeed Ahmed Wagan, Advocate for applicant along with applicant (on bail).

Mr. Mehboob Ali Shah, Advocate files Vakalatnama on behalf of complainant, taken on record.

Mr. Shahid Shaikh, Additional P.G for State along with Syed Saleem Shah SSP Tando Allahyar, Farkhunda Memon, DSP Legal, Tando Allahyar, Inspector Abdul Latif Memon SHO PS Dasori and IO/ASI Muhammad Ali Mirjat PS Dasori.

ORDER

ABDUL MOBEEN LAKHO, J.- Applicant/accused Sikandar Ali seeks pre-arrest bail in Crime No.39/2025 registered at P.S. Dasori for offences u/s 506(ii), 504, 147, 148, 149, 337-A(i), 337-F(i), 337-F(vi) PPC. Previously, the applicant/accused applied for the same relief before the learned 2nd Additional Sessions Judge, Tando Allahyar, the same was rejected vide order dated 12.12.2025.

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 applicant mainly contended that prior to registration of this case/crime, an FIR bearing No.37 of 2025 for offences u/s 506(ii), 337-A(i), 37-F(i), 147, 148, 149, 504 PPC was lodged by present applicant/accused on 27.10.2025 at 2300 hours at same police station regarding the same incident; that present FIR being counter version is delayed by 23 days; that injury attributed to present applicant does not support the medical certificate; that this is the case of counter version and which party is aggressor and who is

aggressed upon is yet to be determined by the trial Court. He lastly contended that the accused in the FIR lodged by present applicant have already been granted pre-arrest bail.

4. On the other hand, learned counsel for complainant opposed the grant of bail on the ground that name of present applicant/accused transpires in the FIR with specific role of causing injury.

5. Learned Additional P.G concedes that there are two FIRs of the same incident and in the second counter case, accused have already been granted pre-arrest bail.

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

7. Admittedly, prior to registration of present FIR, the applicant had lodged the FIR No.37/2025 against the complainant party regarding the same incident at same Police Station in which they have been granted pre-arrest bail. There is delay of 23 days in lodgment of FIR without any plausible explanation. There are counter cases between the parties on account of enmity. Medical certificate issued by the MLO also does not support the version of complainant. The question also arises that which party is the aggressor and which is aggrieved upon. The injury attributed to the applicant/accused carries punishment upto 02 years and does not fall within the prohibitory clause of Section 497 Cr.P.C. Learned Additional P.G also candidly conceded that this is the case of further inquiry and it is yet to be determined by the trial Court at the time of trial that which party is aggressor and which party is aggrieved upon. The deliberation and consultation in lodgment of second FIR cannot be ruled out at this stage. This is a case of counter version, investigation has been completed and the challan in both the cases have already been submitted before the concerned Court. It is also for the trial Court to determine as to which party

is aggressor and which party is aggressed upon of-course which can only be determined after recording evidence of both the parties. Case against the applicant/accused calls for further inquiry within the ambit of Section 497(2) Cr.P.C.

8. Serious malafides on the part of complainant and police have been alleged. Accused in counter case more or less in similar circumstances have already been granted the concession of pre-arrest bail. Present applicant/accused has also made out a good case for the same relief. Accordingly, instant bail application is allowed and the interim pre-arrest bail already granted to the applicant/accused on 04.02.2026 is hereby confirmed on same terms and conditions.

9. The observations made hereinabove are tentative in nature and shall not prejudice the case of either party at the time of trial.

JUDGE

Tufail