IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S-210 of 2026

Applicant:	Zabardast @ Zabardast Khan son of Muhammad Nawaz @ Muhammad Nawaz Khan bycaste Bozdar, resident of village Bahadur Bozdar, Taluka Mirpur Mathelo, District Ghotki **through** Mr. Shabbir Ali Bozdar advocate.
The Complainant:	Mujahid Ali son of Shah Jahan Bozdar, **through** M/s Achar Khan Gabol and Ghulam Ali Bozdar, advocate.
The State	**Through** Mr. Mansoor Ahmed Shaikh, Deputy Prosecutor General, Sindh.

Date of hearing & Orders: 11-11-2026.

O R D E R.

Suresh Kumar, J.- Through the instant bail application, the applicant named above seeks confirmation of the ad-interim pre-arrest bail already granted to him by this Court vide order dated 04-03-2026, in a case bearing crime No. 46/2026, offence u/s 324, 337, 147, 148, 149 PPC registered at Police Station Mirpur Mathelo, District Ghotki.

2. The facts of the prosecution case, as depicted in the FIR lodged by complainant Mujahid Ali Bozdar, are that on 19-02-2026, at approximately 5:00 PM, near Siyal Wahi, the accused Saddam alias Wasim, Ghulam Sarwar armed with pistols, and Zabardast armed with a repeater, along with Babar Ali and Allah Ditto, both armed with pistols, all of the Bozdar caste, approached and that the accused Zabardast fired directly at Asad Ali with the intention to commit his murder, striking him in the right hand. Ultimately, the complainant lodged the aforementioned FIR.

3. I have heard learned counsel appearing on behalf of the applicant/accused, learned Deputy P.G for the State assisted by learned counsel for the complainant, who have strongly opposed for confirmation of interim pre-arrest bail application. Learned counsel for the applicant/accused has relied upon the case of Muhammad Irshad and another Vs. The State and another (2026 SCMR 1286), Azhar Ali Vs. the State (2026 YLR 263) and Shahid Durrani Vs. The State (1997 MLD 1901) Karachi.

4. Having given due consideration to the arguments advanced by the learned counsels representing the respective parties and having perused the

relevant record, it is revealed from the perusal of the FIR that the applicant/accused, Zabardast, fired upon the injured, Asad Ali, resulting in an injury to his left hand. The injury sustained by the injured has been declared as Itlaf-i-Udu, which carries a punishment of 10 years and falls within the ambit of the prohibitory clause of Section 497(1) Cr.P.C. Moreover, the version of the complainant is fully supported by the PWs in their statements recorded under Section 161 Cr.P.C., and a medical certificate is available on record, which connects the applicant/accused with the commission of the offence. Therefore, prima facie, sufficient material is available on record that links the applicant/accused to the commission of the offence. The learned counsel for the applicant relied upon the medical certificate, in which it is mentioned that the possibility of fabrication cannot be ruled out, as well as the plea of alibi. On the basis of such opinion and the plea of alibi, the investigating officer recommended the case for disposal under "B" class; however, the opinion of the investigating officer was not accepted by the learned Magistrate, who has taken cognizance against the applicant/accused. Even otherwise, the plea of alibi and the opinion of the medical officer require deeper appreciation, which is not permissible at the bail stage.

5. With due respect and regard to the case law cited by learned counsel for the applicant/accused, but the facts and circumstances of the said case laws are quite distinguishable from the case in hand and the same are not applicable.

6. For the foregoing reasons above, I am of considered view that the applicant/accused has failed to make out a case for confirmation of interim pre-arrest bail; therefore, the instant pre-arrest bail application is dismissed and interim order already granted to the applicant dated 04-03-2026 is hereby recalled. The applicant is directed to surrender before the trial Court.

7. Needless to say that the above observations are tentative in nature and will not prejudice the case of either party at the time of trial.

J U D G E

Nasim/P.A