THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No.S- 754 of 2026

Applicants	:	Huzoor Bux and Liaquat Ali through Mr. Noor Hassan Malik, Advocate.
The State	:	Through Syed Sardar Ali Shah Rizvi, Additional Prosecutor General along with Muhammad Anwar Khetran, SSP, Ghotki, SIP Ghulam Muhammad, SIP Ghulam Yaseen and ASI Muhammad Hayat Kosh.
Date of Hearing	:	**21-09-2026**
Date of Order	:	**21-09-2026**

O R D E R

TASNEEM SULTANA, J.- Through this criminal bail application, applicants Huzoor Bux son of Sachal Khan alias Muhammad Sachal and Liaquat Ali son of Illahi Bux seek pre-arrest bail in Crime No.40 of 2026, registered at Police Station Wasti Jeewan Shah, District Ghotki, for offences punishable under Sections 504, 452, 337-F(v), 337-A(ii), 337-A(i), 337-F(i), 147 and 149, P.P.C. Their earlier bail application was dismissed by the learned Additional Sessions Judge/MCTC, Ubauro, vide order dated 05.08.2026. Hence, the instant application.

2. Brief facts of the prosecution case are that complainant Muhammad Yousif alleged that a dispute regarding landed property and civil litigation was pending between the parties. He further alleged that on 13.03.2026 at about 6:00 p.m., the present applicants, along with co-accused, armed with lathis, entered his house. Applicant Huzoor Bux allegedly caused lathi blows to the complainant on the left side of his head and the middle finger of his left hand, whereas applicant Liaquat Ali allegedly caused lathi blows to Muhammad Bilawal alias Bilal, son of the complainant, on the right side of his head, left hand, near the elbow of his right arm and on the knee of his left leg. The remaining accused allegedly caused kicks and fists blows to the complainant party. The F.I.R. was registered on 26.05.2026 pursuant to an order passed by the learned Additional Sessions Judge/Ex-Officio Justice of Peace, Daharki.

3. Learned counsel for the applicants contended that the parties are engaged in civil litigation in respect of the landed property, in which F.C. Suit No.156 of 2022 was decided in favour of the applicants' side; that possession was delivered to the decree-holders in execution proceedings; and that the present case was initiated after the applicants sought deposit of mesne profits from the complainant; that the F.I.R. was lodged more than two months after the alleged occurrence; that the prosecution witnesses are related and interested; that no independent witness has been associated despite the alleged occurrence having taken place in a populated locality; that all the offences fall outside the prohibitory clause of Section 497(1), Cr.P.C.; that the applicants joined the investigation; and that pre-arrest bail has been confirmed in favour of the remaining co-accused, who are attributed the role of causing kicks and fists blows. He, therefore, prayed for confirmation of the interim pre-arrest bail already granted to the applicants.

4. Learned Additional P.G. for the State, assisted by learned counsel for the complainant, opposed the application; that specific roles of causing injuries are attributed to the applicants and that the medical certificates support the prosecution case. According to him, the case of the present applicants is distinguishable from that of the co-accused who have been granted bail.

5. Heard. Record perused.

6. A perusal of the record reflects that the role attributed to applicant Huzoor Bux is that of causing lathi blows to the complainant on the left side of his head and the middle finger of his left hand, whereas applicant Liaquat Ali is attributed lathi blows to Muhammad Bilawal alias Bilal on his head, hand, elbow and knee. The medical certificates show that the alleged injuries fall under Sections 337-F(v), 337-A(ii), 337-A(i) and 337-F(i), P.P.C. The offence under Section 337-F(v), P.P.C. is punishable with daman and imprisonment as ta'zir which may extend to five years; Section 337-A(ii), P.P.C. carries arsh and imprisonment as ta'zir which may extend to five years; Section 337-A(i), P.P.C carries daman and imprisonment as ta'zir which may extend to two years; and Section 337-F(i), P.P.C. is punishable with daman and imprisonment as ta'zir which may extend to

one year. Likewise, Section 452, P.P.C. is punishable with imprisonment which may extend to seven years and fine, whereas Section 504, P.P.C. carries punishment of imprisonment which may extend to two years, or fine, or both. None of these offences falls within the prohibitory clause of Section 497(1), Cr.P.C.

7. The record further reflects that the occurrence allegedly took place on 13.03.2026, whereas the F.I.R. was registered on 26.05.2026 pursuant to an order under Section 22-A, Cr.P.C. The effect of such delay is not being treated as a decisive circumstance; however, it requires consideration with the other material available on record. It is also not disputed that civil litigation concerning the same landed property was pending between the parties. The record further shows that F.C. Suit No.156 of 2022 was decided in favour of the applicants' side and possession was delivered in execution proceedings. This circumstance is relevant to the plea of ulterior motive raised by the applicants.

8. The complainant, his son and his cousin are the witnesses relied upon by the prosecution. Whether their evidence, the manner of occurrence and the role of each accused inspire confidence are matters to be determined after recording evidence at trial. In the circumstances, particularly the previous civil litigation between the parties, the delay in registration of the F.I.R., and the nature of the offences alleged, the case calls for further inquiry within the meaning of Section 497(2), Cr.P.C.

9. In view of the above facts and circumstances, the applicants Huzoor Bux and Liaquat Ali have succeeded in making out a case for confirmation of pre-arrest bail. Consequently, the instant bail application was allowed vide short order dated 21.09.2026 and the interim pre-arrest bail granted to the applicants vide order dated 10.08.2026 was confirmed on the same terms and conditions. These are the reasons for the said short order.

10. Needless to observe that the observations made hereinabove are tentative in nature and shall not prejudice the case of either party at trial.

J U D G E

Ahmad