

HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail. Application No.S-617 of 2025  
[Gulsher Laghari and Others vs. The State]

Cr. Bail. Application No.S-626 of 2025  
[Taj Muhammad and Others vs. The State]

Applicants  
In Cr. B.A No. 617/2025

Gulsher Laghari & Ors: **Through Mr. Muhammad Jamil advocate**

Complainant  
In Cr. B.A No. 617/2025

Muzaffar Ali: **Through Mr. Qalander Bux Laghari advocate**

Applicants  
In Cr. B.A No. 626/2025

Taj Muhammad & Others: **Mr. Qalander Bux Laghari advocate**

Complainant  
In Cr. B.A No. 626/2025

Jamal Khan: **Through Mr. Noor-ul-Haq Qureshi advocate**

State

Through **Ms. Sana Memon Assistant P.G Sindh**

Date of hearing

01.09.2025

Date of Order

10.10.2025

**ORDER**

**TASNEEM SULTANA, J:** Through this Cr. Bail Application No.S-617 of 2025, the applicants Gulsher Laghari, Naveed Razzaque, Bilal, Mubeen, Jamal Khan, Manzoor Ali, Muhammad Khan, Imtiaz Ali, Junaid Razzaque, Rameez Razzaque, Wazeer Ali and Iqbal Laghari seek pre-arrest bail in Crime No.19 of 2025 registered at P.S Missan under Section 324, 452, 354, 436, 506(2), 147, 148, 149, 504, 337-H(ii), 337-A(i) and 337-F(i) PPC, whereas through Cr. Bail Application No.S-626 of 2025 applicants Taj Muhammad, Jamshed Hussain, Amjad Hussain, Zohaib Hassan, Waris Ali @ Waris, Majid, Khan Muhammad @ Baloo, Muhammad Haneef, Kashif Hussain, Sajid Laghari, Shah Nawaz Laghari and Roshan seek pre-arrest bail in Crime No.18 of 2025 registered at P.S Missan under Section 324, 506(2), 147, 148, 149, 337-H(ii), 504, 337-A(i), 337-F(i) PPC. Bail pleas of all the aforesaid applicants have been declined by the trial Court vide orders dated 02.06.2025.

2. It may be mentioned here that both the FIRs are result of counter version, therefore, both are being decided through this common order.
3. The facts of the FIR find sufficient mention in memo of bail application, therefore, in view of the case law reported in PLD 2014 SC 458, there is no need to reproduce the same for the sake of brevity and in order to avoid repetition. However, allegation against the present applicants is that they have trespassed into the house of complainant party and caused them injuries.

4. The learned counsel for the parties alleged allegations and counter allegations against each other since the subject FIRs arise out of counter versions of the parties; whereas the learned Assistant Prosecutor General opposed both the bail applications and prayed for their dismissal.

5. Heard the arguments of parties and perused the material available on record.

6. It is a well-settled principle of law that at the stage of bail the Court is not to undertake a deeper appreciation of evidence, but only a tentative assessment of the available material to determine whether a prima facie case for grant of bail is made out. Keeping this principle in view, the record has been examined.

7. A careful perusal of both the FIRs reveals that in both FIRs the applicants/accused have not been assigned any specific role rather all the applicants/accused in both matters have been assigned a general role of causing injuries to each other. It may be observed that both the FIRs are based on counter version and a result of same incident. In cases of counter versions arising from the same incident grant of bail is a rule while refusal is an exception, since the question as to which version is correct can only be determined after recording of pro and contra evidence during the trial. Reliance in this regard can be placed on the case of Khizar Hayat<sup>1</sup>, wherein the Apex Court while dilating upon a bail matter observed as under:

*7. Apart from this, it is a case of cross-version. The petitioner in his cross-version has alleged that complainant party was aggressor because petitioner had right to enter into the housing society being the owners of same. In cases of counter versions arising from the same incident, one given by the complainant in the FIR and the other given by the opposite party, bail is granted as a rule on the ground of further inquiry for the reason that the question as to which version is correct is to be decided after recording of pro and contra evidence during the trial and also to ascertain which party was the aggressor or was aggressed upon and refusal of bail in such cases is an exception...”*

8. Coupled with the aforesaid fact it is also observed that nothing incriminating has been recovered from any of the accused persons. Such aspect of the case attracts the provision of Section 497(2) and brings both the cases within the ambit of further inquiry.

9. In situations where cross cases exist, the pivotal issue is not confined to the number or gravity of injuries sustained by one side, rather it is to be ascertained that who was the initial aggressor and who acted in defence. Such determination can only be made after the recording and appraisal of evidence at

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<sup>1</sup> 2024 SCMR 1605

trial, and thus both the matters squarely fall within the ambit of further inquiry. In this regard, guidance is taken from the dictum laid down by the Hon'ble Supreme Court in Muhammad Shahzad Siddique<sup>2</sup>, which enunciates that in cases of counter-versions arising out of the same incident, grant of bail under Section 497(2) Cr.P.C. is ordinarily warranted, as the question of aggression and private defence is to be conclusively determined by the trial Court.

10. Above discussion led me to hold that both the parties, having cases of counter version, successfully made out the cases for further inquiry. Accordingly, both bail applications are allowed and in result whereof interim pre-arrest bail granted to the applicants/accused, vide Orders dated 04.06.2025 passed in captioned bail applications, are hereby confirmed on same terms and conditions.

11. The Investigating Officer is directed to proceed strictly in accordance with law, ensuring that no unnecessary harassment is caused to the accused persons and the investigation remains fair, impartial, and transparent; whereas the accused persons are directed to attend the trial regularly. In case of misuse of concession of bail by any of the accused, the trial Court shall be at liberty to act in accordance with law, without making reference to this Court.

12. However, it is clarified that the observations made herein are purely tentative in nature, meant only for deciding the question of bail, and shall not prejudice either party during the trial. The learned trial court shall proceed independently based on the evidence brought before it.

**JUDGE**

Sajjad Ali Jessar

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<sup>2</sup> PLD 2009 SC 58