

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
MIRPURKHAS.**

Criminal Bail Application No.S-244 of 2025

Applicants: (1). Jumma s/o Jaam.
(2). Haji Khan s/o Abdul Khalique,
(3). Bashir s/o Dilawar,
(4). Dilawar s/o Sabir,
(5). Ibrahim s/o Abdul Khalique.
Through Mr. Muhammad Sultan, Advocate.

Respondent: The State through Mr. Neel Parkash, Deputy
Prosecutor General, Sindh.

Complainant: Ali Khan s/o Daim.
Through Mr. Dilawar Hussain Panhwar.

Date of hearing: **30.09.2025**
Date of Order: **30.09.2025**

O R D E R.

AMJAD ALI SAHITO, J:- Through this bail application, the applicants/accused above named seek their pre-arrest bail in Crime No.51 of 2025, under sections 506(ii), 337-F(ii), 337-L(ii), 504, 147, 148, 149 PPC, registered at P.S Phulladiyoon, after their bail plea was declined by the learned Additional Sessions Judge-I, Mirpurkhas.

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 for the applicants/accused has contended that they are innocent and have been falsely implicated in the present case with mala fide intent. It is argued that the FIR was lodged after an inordinate and unexplained delay of twelve (12) days, which casts serious doubt upon the veracity of the allegations levelled therein. Learned counsel further submitted that there exists a previous dispute between

the parties, and the complainant, being actuated with mala fide motives, has falsely involved the applicants/accused in the instant matter. He further argued that all sections mentioned in the FIR are bailable, except Section 506(ii), PPC, which, according to him, has been misapplied by the police at the behest of the complainant. It was further contended that the applicants/accused have already joined the investigation, and their custody is no longer required; hence, they are entitled to confirmation of interim pre-arrest bail. Accordingly, confirmation of the interim bail was prayed.

4. Conversely, the learned Deputy Prosecutor General has vehemently opposed the confirmation of pre-arrest bail and prayed for dismissal of the application.

5. Furthermore, Mr. Dilawar Hussain Panhwar, Advocate, has filed his vakalatnama on behalf of the complainant, which is taken on record. Learned counsel for the complainant has strongly opposed confirmation of bail in favour of the applicants/accused, contending that in the alleged occurrence three teeth of the complainant were broken. However, he candidly conceded that such details do not find mention either in the FIR or in the injury memo prepared at the time of issuance of the letter from the Medical Officer.

6. Arguments heard and record perused.

7. From a perusal of the record, it transpires that the FIR was lodged with an unexplained delay of about twelve (12) days. Learned counsel for the applicants/accused has alleged mala fides on the part of the complainant, who subsequently procured a medical certificate mentioning that three of his teeth were broken, whereas such allegation is conspicuously absent from both the FIR and the injury memo. It is further noteworthy that no stitches are present on the lips of the complainant so as to lend credence to his version. Moreover, charge has already been framed by the learned trial Court, and the matter is now fixed for recording of evidence. The offences alleged do not fall within the prohibitory clause of Section 497, Cr.P.C., wherein the grant of

bail is a rule and refusal an exception. No exceptional circumstances have been pointed out by learned counsel for the complainant to justify denial of bail.

8. In view of the foregoing, the applicants/accused have succeeded in making out a case for confirmation of bail under subsection (2) of Section 497, Cr.P.C. Accordingly, the interim pre-arrest bail already granted to the applicants/accused is hereby confirmed on the same terms and conditions.

9. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicants on merits.

JUDGE