

THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Criminal Bail Application No.S- 375 of 2026

Applicants : (1) Shahid Hussain, (2) Ghulam Nabi, and (3) Ghulam Murtaza Raja through Mr. Abdul Majeed Memon, Advocate a/w applicants.

Complainant : Fida Hussain through Mr. Noor Hassan Malik, Advocate.

Respondent: : The State through Mr. Muhammad Raza Katohar, Deputy P.G.

Date of Hearing : 17-08-2026

Date of Order : 17-08-2026

ORDER

TASNEEM SULTANA, J.- Through this criminal bail application, the applicants Shahid Hussain, Ghulam Nabi and Ghulam Murtaza seek pre-arrest bail in Crime No.67 of 2026, registered under Sections 452, 324, 506(2), 114, 147 and 148, P.P.C. at Police Station Ubauro. Earlier, their pre-arrest bail application was dismissed by the learned Additional Sessions Judge, Daharki vide order dated 28.04.2026.

2. Brief facts of the prosecution case are that on 28.03.2026 at about 09:30 a.m., complainant Fida Hussain was present at his house along with his relatives when applicants Shahid Hussain and Ghulam Nabi, armed with hatchets, and Ghulam Murtaza, armed with an iron rod, allegedly entered the house. It is alleged that, on the instigation of Ghulam Murtaza, Shahid Hussain caused a hatchet blow on the right side of the complainant's head, Ghulam Nabi caused a blow with the back side of a hatchet on his right arm, while Ghulam Murtaza caused iron-rod blows on his right eye and back. On his cries, the witnesses intervened and rescued him, whereafter the applicants allegedly left the place while extending threats. The complainant thereafter underwent medico-legal examination and, after obtaining an order from the learned Ex-Officio Justice of Peace, the present F.I.R. was registered on 11.04.2026.

3. Learned counsel for the applicants contended that the applicants are innocent and have been falsely implicated due to previous enmity over a

property dispute; that the occurrence is alleged to have taken place on 28.03.2026, whereas the F.I.R. was lodged on 11.04.2026 after considerable delay; that prior to registration of the F.I.R., an N.C. report regarding the same occurrence had already been lodged, which materially differs from the subsequent F.I.R.; that the final medical opinion declares the injuries sustained by the complainant under Sections 337-A(i), 337-A(ii) and 337-L(ii), P.P.C., which do not fall within the prohibitory clause of Section 497, Cr.P.C.; and that the applicability of Section 324, P.P.C. requires further inquiry. He lastly prayed for confirmation of the ad-interim pre-arrest bail already granted to the applicants.

4. Conversely, learned Deputy Prosecutor General for the State, assisted by learned counsel for the complainant, opposed the application and contended that all the applicants are specifically nominated in the F.I.R. with distinct roles; that they allegedly entered the house of the complainant while armed with hatchets and an iron rod and caused injuries to him; that the medical evidence supports the prosecution version; and that Section 324, P.P.C. attracts the prohibitory clause of Section 497, Cr.P.C. Learned counsel for the complainant also relied upon the unreported orders of this Court dated 21.08.2025 in Crl. Bail Application No.S-143 of 2025, dated 06.08.2025 in Crl. Bail Application No.S-346 of 2025 and dated 04.05.2026 in Crl. Bail Application No.S-233 of 2026.

5. Heard. Record perused.

6. The record shows that an N.C. report concerning the same occurrence was lodged before registration of the present F.I.R. The version recorded therein is not fully consistent with the subsequent F.I.R., particularly about the weapons allegedly used and the persons injured. The record also reflects a previous property dispute between the parties. In these circumstances, the possibility of mala fide cannot be ruled out.

7. The final medical opinion classifies the injuries sustained by the complainant under Sections 337-A(i), 337-A(ii) and 337-L(ii), P.P.C., which, by themselves, do not fall within the prohibitory clause of Section 497, Cr.P.C. Although Section 324, P.P.C. has also been invoked, its applicability depends upon the nature of the injuries, the manner in which they were allegedly caused and the surrounding circumstances. Whether the

requisite intention or knowledge to attract the said provision is made out can only be determined after recording evidence. Thus, the matter calls for further inquiry as contemplated under Section 497(2), Cr.P.C.

8. The unreported orders relied upon by learned counsel for the complainant do not persuade this Court to take a different view, as each bail application is to be decided on its own facts and the material available on record.

9. In view of the above facts and circumstances, the applicants have succeeded in making out a case for confirmation of pre-arrest bail. Accordingly, the instant bail application was allowed vide short order dated 17.08.2026, whereby the ad-interim pre-arrest bail already granted to the applicants vide order dated 30.04.2026 was confirmed on the same terms and conditions. These are the reasons for the said short order.

10. The observations made herein are confined to the disposal of the present bail application and shall not prejudice the case of either party at trial.

J U D G E

Ahmad