

**IN THE HIGH COURT OF SINDH BENCH AT SUKKUR**

Cr. Bail Application No.S-344 of 2023

Applicants: Hafeezullah, (Hafeez in F.I.R.)  
Muhammad Ayoob(Babar in F.I.R.)  
through Mr. Muhammad Nasir Malik,  
Advocate

Complainant: Deedar Ali, through Mr. Muhammad Ali  
Napar, Advocate

Respondent: The State, through Mr. Khalil Ahmed  
Maitlo, Deputy Prosecutor General

Date of hearing: **09.10-2023**  
Date of Decision: **09.10-2023**

**ORDER**

**Arbab Ali Hakro, J:-** Through this bail application u/s 498-A Cr.P.C., applicants Hafeezullah (Hafeez) and Muhammad Ayoob Katper (Babar) seek admission to pre-arrest bail in Crime No.24/2023, registered at Police Station Kandhra, u/s 324, 337-A(i), 337-F(i),147, 148, 149, 504 and 114 PPC. Their earlier bail plea was declined by learned Additional Sessions Judge-II/ Gender Based Violence Court, Sukkur, vide order dated 22.05.2023. Hence, they approached this court.

2. Succinctly, the facts of the prosecution case are that on 07.03.2023, complainant Deedar Ali Katpar lodged F.I.R. stating therein that accused Hafeezullah's daughter Mst. Sumera is his daughter-in-law, who, annoyed, went to her father. On 02.03.2023, the complainant, his brother Gullan and his son Salahuddin went to the house of Hafeezullah for reconciliation where accused Saleem, Hafeez, Muhammad Ayoub (in F.I.R. Babar), all sons of Arz Muhammad Katpar and three unidentified persons were present. They asked Hafeezullah for

return of his daughter-in-law, Mst. Sumaira but accused Hafeez abusing them, refused to return her and also instigated the co-accused to commit their murder, to which accused Saleem took a wooden piece of cot lying in the house and inflicted blow to Salahuddin which hit him on his head while others caused fists and kicks blow to him. On their hue and cries, villagers attracted, seeing them, the accused persons went away. After that, they brought the injured to the Police Station, obtaining a letter for treatment came at R.H.C. Kandhra, where he was referred to GIMS Hospital Gambat. Thereafter, the complainant went to the Police Station and registered such F.I.R.

3. Learned counsel for the applicants has contended that there is delay of five days in registration of F.I.R., which has not been properly explained by the complainant; that the applicants have falsely been implicated due to enmity which is admitted in the F.I.R.; that no specific roles have been assigned to applicants; that the medical evidence is contradictory to the ocular version; that all the P.W.s are closed relatives of the complainant, and they are highly interested; that section 324 PPC has been misapplied as the ingredients of the same are missing and its applicability could be determined at the trial; that the case has been challaned and fixed for evidence. Lastly, he prayed for confirmation of interim pre-arrest bail already granted to applicants. In support of his contentions, learned counsel placed his reliance on the case of **Imran Azher v. the State (2017 Y.L.R. Note116)**, **Zaheer Ahmad Khan v. The State (2003 SCMR 919)**, **Dilawar v. The State and another (2018 P.Cr.L.J 988)**, **Muhammad Irfan Shahzad v. The State and another (2018 P.Cr.L.J No.152)**, **Haq Nawaz v. the State and another (2018 Y.L.R. Note 86)**, **Fareed Bakhsh v. the State and another (2018 P.Cr.L.J Note1)**, **Farzand Ali v. Taj and 2 others (2000 SCMR 1854)**, **Ali Muhammad v. the State (2011 YLR 1091)**, **Ali Gohar alias Igloo v. the State (2012 YLR 873)**, **Muhammad Tanveer v. the State and another (PLD 2017 Supreme Court 733)**.

4. Learned counsel for the complainant and D.P.G. have conceded for confirmation of bail to applicants.

5. I have considered the arguments advanced by learned counsel for the respective parties and have gone through the material available on the record with their assistance.

6. Admittedly, the applicants Hafeezullah (Hafeez) and Muhammad Ayoub (Babar) have not been attributed a specific role in causing injuries to injured Salahuddin. They have been only saddled with causing fists, kicks blows; however, their vicarious liability could be determined at the trial and as per learned counsel, the charge has been framed, and the case is fixed for recording evidence of witnesses. Further, the counsel for the complainant and learned D.P.G., looking at their roles, have frankly conceded for confirmation of their interim pre-arrest bail. Accordingly, the interim pre-arrest bail granted to applicants Hafeezullah and Muhammad Ayoob on 25.05.2023 is confirmed on the same terms and conditions. The bail application stands disposed of.

7. The observations made hereinabove are tentative in nature only for the purpose of deciding the instant bail application, which shall not, in any manner, influence the learned Trial Court at the time of final decision of the subject case.

**JUDGE**