

IN THE HIGH COURT OF SINDH, CIRCUIT BENCH  
HYDERABAD

**Criminal Bail Application No. S-650 of 2024**

Applicant : Adil Ali s/o Zahid Ali Rajput, through  
Mr. Badal Gahoti, Advocate

Respondent : The State, through Ms. Sana Memon,  
Assistant Prosecutor General, Sindh

Complainant : Sajid Ali /o. Ahmed Ali Rajput, through  
Muhammad Faisal, Advocate

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Date of hearing : 23.09.2024

Date of order : 23.09.2024

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**ORDER**

**ZAFAR AHMED RAJPUT, J:-** After rejection of his earlier application for grant of pre-arrest bail bearing No. 1350 of 2024 by the Additional Sessions Judge, Hyderabad, vide order dated 12.06.2024, applicant/accused Adil Ali s/o Zahid Ali Rajput, through instant criminal bail application, seeks pre-arrest bail in Crime No. 91 of 2024, registered under Section 147, 148, 149, 403, 427, 504, 506(2), 337-A(i), 337-A(ii) & 337-F(i), P.P.C at P.S. Tando Jam. He was admitted to interim pre-arrest bail by this Court vide order dated 14.06.2024, now the matter is fixed for confirmation of the same or otherwise.

2. As per F.I.R., on 19.05.2024, at 2200 hours, at the *Otaq* of complainant, situated in Deh Sipki, the applicant, co-accused Raheel, Hakim Ali Jakhrani, all three duly armed with pistols, Irfan Ali with hatchet and two un-known persons, out of them one was having hatchet, were a member of an unlawful assembly and in prosecution of common object of such assembly, co-accused Raheel with butt of his pistol and co-accused Irfan Ali with back side of hatchet caused blows to complainant, while the applicant and co-accused Hakim Ali caused pistol's butt blows to Faizan Ahmed, the son of complainant, and two unknown accused persons caused damage to complainant's car. Complainant party raised hue and cries, on that the accused persons issued criminal

intimidation to cause death and then they went away abusing them. Complainant party also lost their three mobile phones. As per Medico-Legal Report (**MLR**), the injured received injuries, namely, Shajjah-i-khafifah, Shajjah-i-mudihah and Ghayar Jaifah Damiyah, punishable under section 337-A(i), 337-A(ii), and 337-F(i), P.P.C., for that the accused persons were booked in the F.I.R.

3. After hearing the learned counsel for the applicant, complainant as well as learned Asst. P.G. it appears that the complainant and the applicant are real uncle and nephew *inter se* and both the parties are in dispute over the shares of inheritance. There is delay of twelve days in lodging of F.I.R. for that no plausible explanation has been furnished by the complainant. Co-accused Irfan Ali has already been admitted to post-arrest bail by the trial Court i.e. Judicial Magistrate-VII, Hyderabad. From the MLR it is clear that the alleged injuries are punishable with imprisonment of five years or less. Hence, the alleged offence does not fall within the prohibitory clause of Section 497, Cr. P.C., and ordinarily in such cases the bail is to be granted as a rule. The present case does not fall within the exception laid down by the Apex Court in the case of *Tariq Bashir vs. The State (PLD 1995 SC 34)*. No complaint regarding misusing of the concession of ad-interim bail has been made by the complainant. Hence, the interim bail granted to the applicant vide order dated 14.06.2024 is hereby confirmed on same terms and conditions.

4. Needless to mention here that the observations made herein-above are tentative in nature and would not influence the trial Court while deciding the case of applicant on merits and if the applicant in any manner tries to misuse the concession of bail, it would be open for the trial Court to cancel his bail after issuing him the requisite notice.

**JUDGE**