

# IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

**Criminal Bail Application No.S-134 of 2025.**

Applicant: Zahid Ali son of Muhammad Siddique,  
Through Mr. Mazhar Ali Laghari, Advocate.

Complainant: Through Mr. Haider Ali Maheri, Advocate

Respondent: The State  
Through Ms. Rameshan Oad, A.P.G.

Date of hearing: 26.03.2025

Date of order: 26.03.2025

## **ORDER**

**Syed Fiaz ul Hassan Shah, J:** Through instant bail application, above named applicant seeks his admission to post arrest bail in Crime No.231 of 2024 registered under section 506/2, 337-A(i), F(i), F(vi), L(ii), 504, 114, 34 PPC, with P.S B-Section T.M.Khan. After the arrest applicant preferred his bail plea before the Court of Additional Sessions Judge-1, Tando Muhammad Khan vide Criminal Bail Application No.40 of 2025 (Re- Zahid Ali Vs. The State) and same was dismissed vide order dated 25.01.2025; hence, instant bail application has been maintained.

2. Since the facts of prosecution case are already mentioned in F.I.R as well as memo of bail application, therefore, there is no need to reproduce the same.

3. It is inter-alia contended by the counsel for applicant that applicant/accused is innocent and has falsely been involved in the case by the complainant due to enmity; that all four person of one family, booked by complainant in false FIR only for pressurize them in order to get benefit in civil cases which is pending at trial Court; that there is 28 hours delay in lodgment of FIR without any plausible explanation hence due deliberation and consultation cannot be ruled out and the same requires for further inquiry; that all sections areailable except section 506/2 and Section 337-F(vi), whose punishment does not fall within the prohibitory clause of section 497 Cr.P.C; that co-accused already granted pre-arrest bail from this Court vide order dated 16.01.2025 in Cr.B.A.No.47 of 2025 therefore, he is also entitle for bail on the plea of rule of consistency; that no specific role has been attributed to present applicant/accused and there are general allegations against him,

thus there is vicarious liability which could be determined at the time. He lastly prayed for grant of bail in favour of applicant/accused.

4. On the other hand, learned A.P.G as well as learned counsel for the complainant strongly opposed the grant of bail and state that the name of applicant/accused is specifically mentioned in the FIR with specific role of causing lathi injury, therefore, he is not entitled for concession of bail in his favour at this stage.

5. I have heard the learned counsel for parties and perused the record.

6. Admittedly, there is enmity between the parties over landed property is itself admitted by the complainant and such litigations are pending before the civil Court having jurisdiction, which cannot be ruled out at this stage. Moreover, all sections applied in FIR are bailable except section 506/2 and 337-F(vi) PPC which under the circumstances require probe. The injury attributed against applicant/accused is on non-vital part of body, however, the provisions are not fall within the ambit of prohibitory clause of section 497 Cr.P.C and in such like cases the grant of bail is a rule and refusal is an except. Even otherwise, the challan has been submitted before the Trial Court and applicant is no more required for investigation. It is not case of the prosecution that applicant if he is released on bail he will temper or destroy the evidence nor prosecution shown any apprehension that applicant threatens the prosecutions' witnesses. In view of the above, the learned counsel for the applicant has made out a case for grant of bail, therefore, the bail application is **allowed**. Consequently, the applicant is granted concession of post arrest bail subject to furnishing his solvent surety in sum of Rs.50,000/- and P.R bonds in the like amount, to the satisfaction of Trial Court and these are the reasons of short order dated 26.03.2025.

7. Needless to say that any finding given or the observations recorded herein-above, it is only for the purpose of deciding this bail application, which will not affect the merits of case before the Trial Court in any manner and the Trial Court will try the case without being influenced from any observation.

**J U D G E**