

**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**  
**Criminal Bail Application No. S-383 of 2025**

Applicants: Lal Bux, Allah Wadhayo, Bashir Ahmed, Imam Bux, Ali Akbar @ Akbar, Muneer Ahmed, Shahnawaz and Wazeer Ahmed *through* Mr. Shabbir Ali Bozdar, Advocate

Respondent: The State *through* Mr. Mansoor Ahmed Shaikh, Deputy Prosecutor General

Date of Hearing: 07.7.2025  
Dated of Decision: 07.7.2025

**ORDER**

**Muhammad Jaffer Raza, J.-** Through captioned criminal bail application, applicants seek pre-arrest bail in FIR No.266/2024, registered at Police Station Ubauro, District Ghotki, for the offences punishable u/Ss. 337-A(ii), 337-A(i), 337-F(i), 337-L(ii), 147, 148, 149 and 504 PPC. Prior to this application, the applicants had approached the learned Additional Sessions Judge/MCTC, Ubauro, with the same plea, but it was declined, vide order dated 28.2.2025.

2. Prosecution case, in brief, is that on 02.9.2024, at about 5.00 pm, near the house of complainant Rasool Bux, the applicants along with their companions duly armed with hatchet and lathies attacked upon the complainant party, abused them and caused injuries to complainant Rasool Bux and PWs Maroof, Nabi Bux Allah Dino, Sardar Ahmed, Mst. Wazeeran and Mst Saran, on different parts of their bodies.

3. Learned counsel for the applicants has contended that the applicants are innocent and the prosecution story is false, fabricated and managed one as due to previous dispute over landed property, they have

been falsely involved in this case. He further contended that all the offences are bailable and more particularly after report of Medical Board the offence u/s 337-A(ii) was not made out and the offence if any has been made out is 337-A(i) PPC which carries maximum punishment of two years. He further contended that the applicant No.2 in the present bail application, earlier lodged FIR No.256/2024 against complainant Rasool Bux and the present FIR is only counterblast of the FIR lodged by applicant No.2, as such the case of the applicant requires further enquiry. He further contended that there is serious malafide on the part of complainant and that all the offences do not fall within prohibitory clause of section 497 Cr.P.C Lastly he prayed that the interim pre-arrest bail already granted to the applicants may be confirmed.

4. While granting interim bail to the applicants on 09.5.2025, notice were issued to the complainant and APG. Thereafter on 22.5.2025, the complainant was present before this court and sought time to engage counsel. Later, on 23.6.2025 the complainant was called absent and notice was repeated to the complainant through SHO Police station Ubauro. Thereafter, it was noted in the order-sheet dated 27.6.2025 that the notice issued to complainant returned served and he was present in person but sought time to engage counsel. However, today the complainant is called absent.

5. On the other hand, the learned Deputy Prosecutor General, opposed the grant of bail to the applicants, while contending that the applicants are named in the FIR with a specific role of causing injuries to complainant party. He also contended that there is no confirmation of the

report of medical board submitted by the learned counsel for the applicants and in the present circumstances bail application may be dismissed.

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

7. It is apparent from perusal of record that it is a clear case of personal enmity between respective parties and counter FIRs have been registered against each other. In this regard reliance can be placed on the case of *Muhammad Umar Waqas Barkat Ali vs The State and another* (2023 SCMR 330), relevant paragraph of the same is reproduced as under:

“There is no denial to this fact that it was the father of the petitioner Barkat Ali, who had firstly lodged FIR No. 990/2021 under sections 337-A(iii)/337-F(i)/337-F(v)/337-L(2)/148/149, P.P.C. against the complainant of the cross-version namely Muhammad Aslam and his co-accused wherein he alleged that the said Muhammad Aslam and co-accused have severely beaten his two sons Rana Amir and Rana Nasir and caused several injuries on their bodies.....”

8. The applicants though are nominated in the FIR; however, the sections under which the case has been registered do not fall within the prohibitory clause (1) of Section 497 Cr.P.C. Moreover, the FIR in this case has been lodged after an inordinate delay of twelve days, and the complainant has failed to provide any plausible explanation for such a prolonged delay. This unexplained delay raises a strong presumption of afterthought and consultation, potentially casting doubt on the credibility of the prosecution’s case. The delay in lodging the FIR is always a crucial factor, as it affects the presumption of spontaneity and raises concerns about the possibility of false implication. It is pertinent to note that the case has already been challaned before the competent Court of law, and the applicants, after being granted interim pre-arrest bail, have actively

participated in the investigation and trial proceedings. There is nothing on record to indicate that the applicants have misused the concession of interim pre-arrest bail granted to them. In light of these circumstances, it is evident that the applicants have successfully made out their case for confirmation of pre-arrest bail. Accordingly, instant criminal bail application is allowed and the interim pre-arrest bail already granted to applicants is hereby confirmed on the same terms and conditions. .

9. Needless to state that the observations made hereinabove are tentative in nature and shall not in any way affect the merits of the case of either party at the trial and / or influence the trial Court at the time of deciding the case.

**JUDGE**