

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Bail Application No.S-223 of 2025.

Syed Qalab Asghar & others

v.

The State.

Applicants : Syed Qalab Asghar & others through Mr. Ghulamullah Chang, Advocate.

Respondent : The State through Mr. Nazar Muhammad Memon, Addl: P.G.

Date of hearing : 14.05.2025.

Date of Decision : 14.05.2025.

O R D E R

Miran Muhammad Shah, J:- Through the instant Bail Application, the applicants/accused have approached for a grant of pre-arrest bail in terms of Section 498-Cr.P.C in crime No.05/2025 registered for offense U/S 337A(i), A(ii), A(iv), F(i), F(v), F(vi), L(ii), 506(2), 504, 147, 149, 441-PPC of PS Darya Khan Rind @ Maqsoodo Rind, District Sanghar. Earlier their pre-arrest bail plea was declined by the learned Additional Sessions Judge, Shahdadpur vide order dated 10.03.2025 and their interim relief was recalled.

2. The facts of the case are mentioned in the Bail Application and the copy of F.I.R. is also attached with the Bail Application, hence, needs not to reproduce the same here.

3. The learned counsel for the applicants/accused contends that two FIRs of the same incident have been lodged and he further states that no such incident had taken place, and the applicants/accused have been falsely implicated in this case; that even otherwise in the light of Honourable Superior Courts Judgment, two FIRs of the same incident cannot be lodged rather another version of the same incident should be amalgamated, however, in this case both the FIRs have been lodged against accused party. Such matter has been challenged in Constitution Petition No.D-206 of 2025 and notices are also issued in that matter. He further requests for confirmation of interim bail earlier granted to applicants/accused.

4. On the other hand, learned A.P.G vehemently opposes for confirmation of bail as he states that grievous hurts have been caused by the applicants/accused on the vital parts of body and most of the offences applied are non-bailable in nature. He primarily rely upon medico legal certificate issued, which according to him categorically attribute each injury to each of the applicants/accused.

5. Heard & perused.

6. Both the counsels despite of injuries on the vital parts of the body, admit that offences applied do not fall within the prohibitory clause of Section 497 Cr.P.C. No doubt two FIRs of the same incident have been lodged, and as per dictum laid down by Honourable Supreme Court of Pakistan in a case of **Mst. Sughran Bibi**, two FIRs of the same incident cannot be lodged rather version of another party should be amalgamated into same FIR/case. That is the lacuna on the part of Investigation Officer. The case has already been challaned and at pre-arrest bail stage only tentative assessment is to be made and it is yet to be determined by the learned trial Court that who caused which injury to whom and, therefore, sending the present applicants/accused behind bars would not serve any fruitful purpose. If the bail is confirmed, they would be in a better position to join and face the trial.

7. With these observations, I hereby **allow** the instant bail application. The interim pre-arrest bail already granted to applicants/accused vide order dated 11.03.2025 is hereby **confirmed** on the same terms and conditions. The applicants/accused are strictly directed to join the trial.

8. Needless to mention here that any observation made in this order is tentative in nature and shall not affect the determination of the facts at the trial or influence the trial Court in reaching its decision on the merits of the case. It is, however, made clear that in the event if, during proceedings, the applicants/accused misuses the concession of bail, then the trial Court would be competent to cancel the bail of the applicants/accused without making any reference to this Court.

JUDGE