

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

Criminal Bail Application No. S-243 OF 2025

Applicant : Raza Muhammad son of Khan Muhammad,  
Through Mr. Muhammad Afzal Jagirani,  
Advocate

Complainant : Through Mr. Khadim Hussain Khoso,  
Advocate.

The State : Through Mr. Aitbar Ali Bullo, DPG

Date of hearing : 31-07-2025

Date of order : 31-07-2025

### **ORDER**

**KHALID HUSSAIN SHAHANI, J.** – Applicant Raza Muhammad, seeks the concession of post-arrest bail in connection with a case bearing crime No.19/2025, registered at Police Station Qubo Saeed Khan, for offences under Sections 324, 337-A(i), 337-A(ii), 337-F(i), 148, 149, and 506-B PPC. His application for pre-arrest bail was dismissed by the learned Additional Sessions Judge-II, Shahdadkot, vide order dated 07.05.2025, which has been impugned herein.

2. Learned counsel for the applicant vehemently argues that the applicant is a victim of false implication stemming from long-standing enmity with the complainant party. It is contended that this is not a solitary incident but part of a series of malicious prosecutions initiated against the applicant. To substantiate this claim, counsel has drawn the Court's attention to the following history: a) FIR No. 69/2023, lodged by Mushtaq Ahmed, wherein the applicant was acquitted by the Court of the Additional District Judge, Shahdadkot, on 20-11-2023. b) FIR No. 18/2024, lodged by Ali Hassan, wherein the applicant has been granted bail. c) FIR No. 22/2024, lodged by Gul

Hassan, wherein the applicant was acquitted by the 3rd Judicial Magistrate, Larkana, on 30-01-2025. It is further argued that the core allegation in the present FIR is contradicted by the medical evidence. While the FIR alleges a firearm injury, attracting the serious charge under Section 324 PPC, the Medico-Legal Certificate (MLC) describes the injury as having been caused by a "hard and blunt substance." This stark contradiction, it is submitted, shatters the foundation of the prosecution's case and makes the matter one of further inquiry.

3. Conversely, the learned DPG assisted by counsel for the complainant, has opposed the grant of bail. They contend that the applicant is specifically named in the FIR with the role of causing an injury on the head, a vital part of the body. They submit that the prior enmity is a double-edged sword and that the case falls within the prohibitory clause of Section 497(1) of the Criminal Procedure Code, 1898. Reliance has been placed on *2020 P.Cr.L.J Note 9* and *2020 PLD Supreme Court 293*, 2020 SCMR 249, 2009 P.Cr.L.J 251, 2001 P.Cr.L.J 2, 2013 P.Cr.L.J 1583, 2005 P.Cr.L.J 546, 2019 MLD 831.

4. At the bail stage, while a deeper appreciation of evidence is beyond the scope of this Court, a tentative assessment is necessary to determine whether reasonable grounds exist to connect the applicant with the alleged offence. The cornerstone of the prosecution's case is the allegation of a firearm injury attributed to the applicant. However, the provisional MLC, which is the primary piece of corroborative evidence, states the nature of the weapon as "hard and blunt." This is a material contradiction that goes to the root of the case. It creates serious doubt as to whether the offence under Section 324 PPC is even made out, thereby dislodging the applicability of the prohibitory clause of Section 497(1) Cr.P.C. The version in the FIR is, therefore, not supported by the medical evidence on record.

5. Furthermore, the argument of pre-existing enmity cannot be brushed aside lightly in the present circumstances. The applicant has provided documentary proof of at least three prior criminal cases initiated by the complainant party or their associates, two of which have resulted in his honourable acquittal. This pattern of litigation lends significant weight to the applicant's plea of *mala fides* and false implication. When such a deep-rooted and documented history of animosity exists, the possibility of exaggeration and false implication cannot be ruled out. The principle that enmity is a double-edged sword must be applied to the specific facts of each case, and here, it appears to cut more in favour of the applicant's innocence than the complainant's truthfulness.

6. The case law cited by the learned counsel for the complainant is distinguishable. The judgment reported as *2020 P.Cr.L.J Note 9* can be differentiated on the grounds that in the instant case, the enmity is not a mere assertion but is evidenced by a series of failed prosecutions. The precedent cited as *2020 PLD Supreme Court 293*, pertains to the principles of anticipatory bail, which are distinct from those governing post-arrest bail, and is therefore not squarely applicable and other case laws are also distinguishable from the peculiar facts of the present case.

7. In light of the glaring contradiction between the ocular account and the medical evidence, and viewed against the backdrop of established enmity leading to previous acquittals, the applicant has successfully made out a case for the grant of bail. The matter requires further inquiry to determine the veracity of the prosecution's allegations.

8. For the foregoing reasons, this bail application is allowed. The applicant, Raza Muhammad son of Khan Muhammad Brohi is present on interim pre-arrest bail, the same is confirmed under same

terms and conditions. The applicant shall attend all hearings of the trial without fail and shall not tamper with the evidence or influence any witnesses. Any violation of these conditions shall lead to the cancellation of his bail. The application is disposed of in the above terms.

**JUDGE**

Asghar Altaf/P.A