

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

Criminal Bail Appln. No. S-340 of 2025

Criminal Bail Appln. No. S-374 of 2025

Applicant
(In Cr. Bail Appln. No.
S-340/2025)

Rustam s/o Ismail
Chandio

Through Mr. Razi Khan
Chandio, advocate
Anwar Ali @ Munwar Ali

Applicant
(In Cr. Bail Appln. No.
S-374/2025)

Through Mr. Aijaz Ali
Kalhor, Advocate

Complainant

Lal Bux Chandio,
(Called absent)

The State

Mr. Nazeer Ali Bhangwar,
D.P.G for the State

Date of hearing

07-08-2025

Date of order

07-08-2025

ORDER

SHAMSUDDIN ABBASI, J.- Applicant Rustam (in Cr. Bail Appln. No. S-340/2025) and applicant Anwar Ali @ Munwar Ali (in Cr. Bail Appln. No. S-374/2025) seek post-arrest bail in Crime No.54/2025, registered at Police Station Warrah for offence U/S 458, 114, 337-F(i), 506/2, 337-H(ii), 148, 149 P.P.C, after dismissal of their bail plea by the learned trial court vide order dated 19.05.2025.

2. It is alleged in the F.I.R that 8 nominated accused and two unidentified accused armed with deadly weapons entered into the house of complainant by trespassing and co-accused Ismail caused but blows of repeater to brother of complainant Nizamuddin on his back, thereafter accused by making aerial firing went to their houses by issuing threats of dire consequences.

3. Learned counsel for the applicants submits that there is recorded enmity in between the parties and they have been falsely implicated in this case due to murderous enmity; that alleged

offence does not come within the ambit of prohibitory clause of Section 497 Cr.P.C and alleged injury attributed to co-accused Ismail was declared as offence U/S 337-F(i) P.P.C, which is bailable, therefore, their case requires further inquiry in terms of Section 497 Cr.P.C. He finally prayed for grant of post-arrest bail to the applicants/accused.

4. On 16.07.2025, the complainant Lal Bux Chandio has appeared and expressed his faith upon the learned Prosecutor to proceed with the case.

5. Learned D.P.G. has opposed for grant of bail on the ground that applicants are nominated in the F.I.R and they have committed house trespass, therefore, they are not entitled for grant of post-arrest bail.

6. Heard learned counsel for the applicants, learned D.P.G. and perused the material available on the record.

7. Admittedly there is delay of one day in lodging of F.I.R; the injury sustained by injured Nizamuddin at the hands of co-accused Ismail, was declared as offence U/S 337-F(i), which is bailable. Even otherwise the offence does not come within the ambit of prohibitory clause of Section 497 Cr.P.C.

8. It is well settled principle of law that grant of bail in such cases is right and its refusal is exceptional. Reliance is placed on the case of *Muhammad Tanveer v. The State and another* (**PLD 2017 S.C 733**).

9. In view of above, the applicants are admitted on post-arrest bail subject to furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each and P.R bond in the like amount to the satisfaction of learned trial Court.

10. Needless to mention here that observations made hereinabove are tentative in nature and would not prejudice the case of either party at the time of conclusion of case.

JUDGE

Abdul Salam/P.A