

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

**Crl. Bail Application No.S-221 of 2025**

**Applicants:** 1. Ibrahim son of Allah Dino,  
2. Basrio alias Karoo S/o Muhammad Raheem,  
Through Mr. Sikandar Ali Kolachi, Advocate.

**Respondent:** The State.  
Through Mr. Ghulam Abbas Dalwani, D.P.G.

**Complainant:** Ali Gul S/o Gohram,  
Through Mr. Zafar Hayat, Advocate.

**Date of hearing:** 09.09.2025

**Date of order:** 09.09.2025

**O R D E R**

**Amjad Ali Sahito, J:** Through this Bail Application, the applicant/accused seeks pre-arrest bail in Crime No.71/2025 for offence under sections 324, 114, 337-A(i), 337-A(ii), 337-A(iii), 337-L(ii), 147, 148, 149 and 504 P.P.C registered at PS Mangli, after his bail plea has been declined by the learned Additional Sessions Judge-I/MCTC, Sanghar vide order dated 12.08.2025.

2. The details and particulars of the F.I.R are already available in bail application and the F.I.R, as such, need not to reproduce the same hereunder.

3. Per learned counsel, the applicant/accused is innocent and has been falsely implicated in this case by the complainant over the plot otherwise there is no further ground agitated before this court. Lastly, he prayed for confirmation of bail.

4. On the other hand, learned D.P.G and counsel for the complainant have vehemently opposed the grant of bail to the applicant/accused.

5. Heard and perused.

6. From perusal of the record, it transpires that on account of a trivial matter, the applicants/accused subjected the complainant party to beating and torture. The case of the complainant is that

he, along with his sons and nephew Mehtab, was proceeding towards his residence in a car, and upon reaching near the pathway leading to his house, found a truck belonging to the applicants parked in such a manner that obstructed their passage. Upon requesting the applicants to move the vehicle and allow some side, the applicants became annoyed, and called other persons, and as per the complainant, about eight individuals assembled at the spot and assaulted both the complainant and his sons and nephew.

7. As per the medical certificate, the injuries sustained by the injured fall within the ambit of Sections 337-A(ii), 337-A(iii), and 337-L(ii), P.P.C., wherein the punishment prescribed under Section 337-A(iii), P.P.C. extends up to ten years. The applicants are alleged to have inflicted repeated blows with hatchets and lathies upon the injured persons; therefore, prima facie, Section 324, P.P.C. is also attracted in the present case.

8. At the stage of considering bail, only a tentative assessment of the available material is to be made. The record reflects sufficient material connecting the applicants/accused with the commission of the offence, and no mala fide or ulterior motive has been attributed to the complainant by the applicants. In this regard, I am fortified with the case law of Hon'ble Supreme Court of Pakistan **[2019 SCMR 1129]** wherein the Hon'ble Supreme Court of Pakistan has held as under:

*"Grant of pre-arrest bail is an extra ordinary remedy in criminal jurisdiction; it is diversion of usual course of law, arrest in cognizable cases; a protection to the innocent being hounded on trump up charges through abuse of process of law, therefore a petitioner seeking judicial protection is required to reasonably demonstrate that intended arrest is calculated to humiliate him with taints of mala fide; it is not a substitute for post arrest bail in every run of the mill criminal case as it seriously hampers the course of investigation..... the principles of judicial protection are being faithfully adhered to till date, therefore, grant of pre-arrest bail essentially requires considerations of malafide, ulterior motive or abuse of process of law."*

9. The applicants have failed to make out a case for the confirmation of pre-arrest bail within the contemplation of subsection (2) of Section 497, Cr.P.C. Consequently, the instant bail application filed by the applicants/accused stand **dismissed**. The interim pre-arrest bail already granted to the applicants vide order dated **19.08.2025** is hereby **recalled**.

10. The observations made in this decision are of a tentative nature and will not influence the merits of the case.

**JUDGE**

***\*Faisal\****