

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S-423 of 2025

Applicant : Anwar son of Khan Muhammad, Narejo
Through Mr. Muhammad Aslam Gadani, Advocate

The State : Through Mr. Mansoor Ahmed Shaikh, DPG

Date of hearing : 26.09.2025
Date of order : 26.09.2025

O R D E R

KHALID HUSSAIN SHAHANI, J.— The applicant Anwar Narejo seeks pre-arrest bail in a case bearing crime No.159 of 2025, for offences under Sections 506/2, 337-A(ii), 337-A(i), 337-F(i), 337-L(ii), 147, 148, and 149 PPC, registered at Police Station B-Section Khairpur, involving allegations. His prior similar bail application was declined by the Court of learned Additional Sessions Judge-IV, Khairpur, vide order dated 16.05.2025.

2. The factual matrix, as narrated in the FIR lodged by complainant Imdadullah, is that on 24.04.2025, at about 6:00 p.m., while the complainant was returning home after completing his work duties, he reached near Rafique Marriage Hall. At this place, the complainant encountered a group of persons comprising the accused Ghulam Nabi who was unarmed, Noor Ahmed armed with a pistol, the applicant Anwar carrying an iron rod, Nadeem armed with a pistol, Ali Ahmed with a lathi, Muneer Ahmed with a lathi, Shahmir armed with a pistol, and Habibullah also armed with a pistol.

3. The accused came shouting aggressively and called out to the complainant, demanding that he stop and threatening to teach him a lesson. Acting under the instigation of the accused Ghulam Nabi, the applicant Anwar struck the complainant on the head with the iron rod, causing profuse bleeding. During this violent assault, the complainant's cousin Ghulam Murtaza and nephew Naseer Ahmed arrived on a motorcycle, witnessed the attack, and identified the assailants. The attack escalated as accused Noor

Ahmed reportedly struck the complainant's left arm with the butt of his pistol, while Nadeem Ahmed similarly assaulted the right arm with his pistol's butt. Other accused also inflicted blows on various parts of the complainant's body before fleeing the scene.

4. Notably, the FIR was lodged after a delay of five days despite the proximity of the police station to the incident site, a fact not contested by the prosecution but explained as due to the complainant's treatment for injuries sustained. Further, it is significant that all prosecution witnesses named are close relatives of the complainant, raising legitimate questions concerning independent corroboration. Moreover, the background dispute over landed property between the parties is admitted by the complainant in the FIR, highlighting the potential for mala fide implication.

5. Counsel for the applicant contends that the applicant has been falsely implicated due to longstanding enmity concerning landed property. He emphasizes the simultaneous inclusion of multiple family members in the FIR as indicative of malafide overreach and submits that except for the offence under Section 337-A(ii) PPC, which is not bailable and punishable with imprisonment up to five years not attracting Section 497(1) Cr.P.C.'s prohibitory clause, the other offences are bailable. Counsel further submits that the investigation is complete, challan submitted, and the applicant has cooperated fully, having availed interim pre-arrest bail since 21.05.2025 without misuse or evasion.

6. The Deputy Prosecutor General opposes bail insisting on the applicant's specific nomination with assigned roles, consistency between the FIR and recorded statements under Section 161 Cr.P.C., and stresses the explanation for delay as medically justified. The prosecution points out the importance of custody for recovery of weapons and rejects the contention that enmity necessarily implies false implication, asserting it can as well establish

motive. Accordingly, the prosecution submits that the requisite exceptional grounds for pre-arrest bail are absent.

7. Upon a thorough evaluation of the submissions and record, it is settled law that pre-arrest bail is an exceptional relief, granted cautiously where satisfaction is clear both on merits and mala fide intent behind arrest is evident. Importantly, in this case, the admitted property dispute and simultaneous implication of several family members prima facie indicate an over-extended prosecution. The solitary bailable exception, Section 337-A(ii) PPC, carries a punishment which does not invoke the prohibitory clause of Section 497(1) Cr.P.C. The precedent set by the Additional Sessions Judge-IV and the fact that co-accused have been granted similar bail orders weighs heavily in favor of the applicant. The applicant's conduct during the interim bail period, the completed investigation, and the challan submission all collectively lead to a conclusion that the case fits squarely within the parameters of "further inquiry" as envisaged under Section 497(2) Cr.P.C.

8. In light of the above, it is held that the applicant has made out a compelling case for confirmation of his pre-arrest bail. Consequently, the interim pre-arrest bail granted on 21.05.2025 is hereby confirmed on the same terms and conditions.

9. It is clarified that the observations made herein are prima facie and purely tentative and shall not influence the trial court's eventual determination of the case.

J U D G E