

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S-811 of 2025

Applicant : Sultan Ahmed son of Mir Khan @ Mir
Muhammad, by caste Maitlo
Through Mr. Ghazanfar Abbas Jatoi, Advocate

The State : Through Mr. Muhammad Raza Katohar, DPG

Dated of Hearing : 24.11.2025
Dated of order : 24.11.2025

ORDER

KHALID HUSSAIN SHAHANI, J.— The applicant, Sultan Ahmed, seeks pre-arrest bail in a case bearing crime No.271 of 2025, for offences under Sections 506/2, 337-A(i), 337-F(i), and 337-F(v) PPC, registered at Police Station B-Section, Khairpur. The learned Additional Sessions Judge-IV, Khairpur, having declined bail vide order dated 28.08.2025, compelled the applicant for such relief from this court.

2. The complainant, Mst. Saira Khatoon, alleges that on account of a matrimonial dispute, the applicant and others entered her residence on 08.07.2025 around 5:00 p.m., armed with lathis, threatening her family to retract a previous criminal complaint. It is averred that the applicant struck the complainant on her right arm causing bleeding, while other accused also assaulted her. The arrival of neighbors compelled the assailants to flee. The injured complainant subsequently sought medical treatment and lodged the FIR with a marked delay.

3. Learned counsel for the applicant contends that the applicant has been falsely implicated in a matter arising from matrimonial discord, as reflected in the FIR itself. The unusual delay of fifteen days in lodging the FIR, without plausible explanation, strongly suggests afterthought and mala fide intention to malign the applicant. It is further submitted that the FIR is reactionary and counter to another FIR No.253/2025 registered by the co-accused's relative against the complainant's party. The counsel emphasizes that the alleged offences do not attract the prohibitory clause of Section 497(1)

Cr.P.C., and with no necessity for further investigation, the applicant is entitled to the protective ambit of pre-arrest bail.

4. In rebuttal, learned Deputy Prosecutor General urges rejection of bail on the strength of direct allegations against the applicant, specifically inflicting injury and issuing threats amounting to serious offences. The gravity of allegations, it is argued, disentitles the applicant from relief at this stage.

5. Upon careful examination, the Court notes a significant and unexplained delay in the FIR's registration, which prima facie undermines the prosecution's credibility. Moreover, no independent witnesses have been produced, relying solely on complainant's family members, thereby raising questions on veracity. The threat charge under Section 506/2 PPC requires fuller evidence and is best adjudicated during trial. The injury reportedly sustained qualifies as *Jurh Ghayr Jaifah Hashimah*, punishable with a maximum term of five years only, and thus falls outside the prohibitory clause under Section 497(1) Cr.P.C., which applies to offences punishable with imprisonment exceeding ten years or death. It is trite that for offences beyond the prohibitory clause, bail is the norm, refusal being the exception, unless strong grounds exist. Furthermore, the completion of investigation and submission of challan before the competent Court further diminishes justification for pre-trial detention. The record reflects no abuse or misuse of interim bail previously granted on 04.09.2025.

6. In view of the above, the applicant has established a prima facie case that merits detailed inquiry under Section 497(2) Cr.P.C. This application for pre-arrest bail is accordingly allowed, confirming the interim bail order dated 04.09.2025 on identical terms and conditions. It is clarified that the observations made herein are tentative, intended solely for the purpose of this bail application and shall not prejudice the trial's ultimate determination on the merits of the case.

J U D G E