

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail App. No. S – 728 of 2025

(Syed Afzal Shah alias Babli Shah & another v. The State)

Cr. Bail App. No. S – 742 of 2025

(Shahid Hussain alias Laila & another v. The State)

Cr. Bail App. No. S – 903 of 2025

(Mubarak Chandio alias Gulzari alias Mubarak Ali v. The State)

Date of hearing : **11.11.2025**

Date of decision : **11.11.2025**

Mr. Mashooque Ali Ghanghro, Advocate along with applicants (on bail) in Cr. Bail App. No. S-728 of 2025.

Mr. Muhammad Uzair Shaikh, Advocate along with applicants (on bail) in Cr. Bail Apps. No. S-742 and 903 of 2025.

Mr. Shabbir Ali Bozdar, Advocate for complainant.

Mr. Muhammad Raza Katohar, Deputy Prosecutor General.

ORDER

Mahmood A. Khan, J. – In these three bail applications, applicants require bail before arrest in Crime No.238 of 2025, registered at Police Station Naushahro Feroze, District Naushahro Feroze, for offences punishable under Sections 324, 334, 147, 148, 120-B, 403, PPC, wherein the allegations have been made against them that they have held the complainant down and one of the applicants has dismembered the organ as alleged in the matter.

2. Learned Counsel for the applicants in Cr. Bail App. No. S-728 of 2025 contends that there is a delay of seven (07) hours in lodging of the FIR. He further contends that against the complainant, an FIR is already existing bearing Crime No.47 of 2025, registered at Police Station Kandiaro, District Naushahro Feroze, for offences punishable under Sections 364, 120-B, 34, PPC, and the present case has been managed to create a counter version. He further contends that the witnesses are interested parties and general allegations are present against the present applicants. He also brings forward a copy of *mashirnama* of the incident

contending that the examination of the area and alleged place of incident has reported no bloodstained earth or signs of the alleged incident.

3. Learned Counsel for the applicants in Cr. Bail Apps. No. S-742 and 903 of 2025 also adopts the arguments advanced by the learned Counsel above referred and further contends that no signs of the incident were reported. He also submits a copy of the Special Medical Board's conclusion, where the matter was kept in abeyance, and contends that the alleged victim has failed to appear before the Board. Learned Counsel lastly contends that no active role of the applicants is available.

4. Learned Counsel for the complainant, however, contends that the specific roles and the names of the applicants are appearing in the FIR, which is fully supported by the prosecution witnesses. The FIR has been lodged on the same day and that the medical fully supports the version taken in the FIR. Learned Counsel also contends that the incident shows preplanning as the victim was called in the name of *faisla* for the earlier incident. He further contends that the act itself requires participation of a number of persons and that no mala fides have been shown, bail applications are not liable to be entertained. He has relied upon the cases of Riaz Ahmad v. The State (2009 SCMR 725), Muhammad Sadiq and others (2015 SCMR 1394), Ghulam Qadir v. The State (2022 SCMR 750) and Bakhti Rahman v. The State and another (2023 SCMR 1068).

5. Learned DPG while adopting the arguments of learned Counsel for the complainant further contends that present applicants have been specifically nominated with their specific roles in the FIR and the time lapsed is nominal.

6. Having heard the learned Counsels and gone through the record, apparently a number of persons are said to have been involved who seem to have applied for bail before arrest, and only the bail applications of the present applicants on account of their active participation specifically named along with their specific roles have been declined. Section 334,

PPC, is outside the prohibitory clause. The present applicants are unable to show any mala fides as the incident of the earlier FIR is referred in the present FIR, and the version is fully supported by the final medical certificate. The constitution of the Board in the said circumstances is not found helpful to the applicants as there is no distinction in view of the existence of the final medical certificate to the nature of the offence alleged in the matter.

7. Accordingly, no grounds of bail available, all the three bail applications stand **rejected**. Consequently, the ad-interim pre-arrest bail earlier granted to the applicants by this Court, vide orders dated 20.08.2025, 22.08.2025 and 23.09.2025, is hereby **recalled**.

The bail applications stand **disposed of** in the above terms. Office to place a signed copy of this order in the captioned connected matters.

J U D G E

Abdul Basit