

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-274 of 2025

Applicants:

1. Ghulam Nabi S/o Gull Muhammad Mari,
2. Saddam S/o Anb Shar,
3. Imdad Ali S/o Ghalib Shar,
4. Ghalib S/o Lal Bux,
5. Ghulam Shabbir S/o Wazir Khan Shar,
6. Phuloo @ Pehalwan S/o Lal Bux,
7. Saddam S/o Liaquat Ali Jatt,
8. Muhammad Yousuf S/o Liaquat Ali Jatt,
9. Anb S/o Lal Bux Shar,
10. Muhammad Liaquat S/o Allah Ditto,
11. Yasir Mehmood S/o Muhammad Liaquat,
12. Muhammad Rafique S/o Ghulam Nabi,
13. Wazir Ali S/o Lal Bux Shar,

Through Mr. Afzal Karim Virk, Advocate.

Respondent: The State.
Through Mr. Neel Parkash, Deputy P.G.

Complainant: Zeeshan Ali son of Tasawar Khan,
Through Mr. Muhammad Yaseen Khaskheli,
advocate.

Date of Hearing: 02.12.2025

Date of Order: 02.12.2025

ORDER

Shamsuddin Abbasi, J: Through this Bail Application, the applicants/accused Ghulam Nabi, Saddam, Imdad Ali, Ghalib, Ghulam Shabbir, Phuloo @ Pehalwan, Saddam, Muhammad Yousuf, Anb, Muhammad Liaquat, Yasir Mehmood, Muhammad Rafique and Wazir Ali seek pre-arrest bail in Crime No.109/2025 for offence under sections 324, 506(ii), 337-A(i), 337-F(i), 337-H(ii), 147, 148 and 149 P.P.C of PS Mangli, after dismissal of their bail plea by the learned Additional Sessions Judge-II, Sanghar, vide order dated 11.10.2025.

2. Brief facts of the case are that applicants alongwith co-accused Gulzar have attacked upon the complainant party and complainant party had sustained injuries at the hands of the applicants, hence this FIR.

3. Learned counsel for the applicants submits that all the injuries declared by M.L.O are fall under section 337-A(i) and F-(i) P.P.C which are bail able and the applicability of section 324 P.P.C is yet to be determined

at the time of trial; that there is recorded enmity between the parties, therefore, false implication cannot be ruled out. Lastly, he prayed for confirmation of pre-arrest bail.

4. Conversely, learned D.P.G for the State assisted by counsel for the complainant has opposed for the grant of bail on the ground that section 324 P.P.C is applied in the alleged offence which makes out the case of the applicants within the ambit of prohibitory clause of section 497 Cr.P.C.

5. Heard learned counsel for the applicants, learned counsel for the complainant, learned D.P.G for the State and perused the record.

6. From the tentative assessment of material available on record, it appears that the alleged offence had taken place on 30.09.2025 at 09:30a.m whereas F.I.R was lodged on the same day at 2230 hours with delay of 13 hours without any plausible explanation and in presence of criminal litigation between the parties, it cannot be ruled out that FIR was lodged after due deliberation and consultation. Per medical certificate issued by M.L.O, the injuries received by the injured are fall under sections 337-A(i) and F-(i) P.P.C which are bail able. The applicability of section 324 P.P.C is yet to be determined at the time of trial. The pre-arrest bail can be granted on merits as held by the Hon'ble Supreme Court of Pakistan in the case of Jehanzeb Khan v. The State (2020 SCMR 1268).

7. In view of the above, the instant bail application is allowed, and the interim pre-arrest bail earlier granted to the applicants vide order dated 13.10.2025 is hereby confirmed on the same terms and conditions.

8. The observations made here-in-above are tentative in nature and would not prejudice the case of either party at the trial.

The application stands disposed of.

JUDGE

Faisal