

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

CrI. Bail Application No.S-262 of 2025

Applicants: 1. Misri S/o Megho,
2. Ravesh S/o Misri,
3. Raichand S/o Misri,
4. Sardar S/o Misri,
Through Mr. Afzal Karim Virk, Advocate.

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

Complainant: Ratan Lal son of Bhago Mal,
Through Mr. Rai Singh Sodho, advocate.

Date of Hearing: 03.12.2025

Date of Order: 03.12.2025

ORDER

Shamsuddin Abbasi, J: Through this Bail Application, the applicants/accused Misri, Ravesh, Raichand and Sardar seek post-arrest bail in Crime No.04/2025 for offence under sections 302, 324, 147, 148, 149, 506(ii), 504, 114, 337-A(i) and 337-F(i) P.P.C of PS Jhun Tharparkar, after dismissal of their bail plea by the learned Additional Sessions Judge-I, Tharparkar at Mithi, vide order dated 27.08.2025.

2. Brief facts of the prosecution case are that on 05.05.2025, applicants alongwith other accused came at the scene of incident and caused injuries to injured Rajesh, Punhoon and Parago whereas injuries sustained by deceased Rajesh were attributed to co-accused Lalji and Chelan Ram, hence this FIR.

3. Learned counsel for the applicants submits that there is counter version of the incident and from applicant's side six persons have sustained injuries in the same incident; that there is delay of 05 days in lodgment of the F.I.R without any plausible explanation; that it is yet to be determined at the trial who is aggressor; that injuries attributed to the applicants were declared under section 337-A(i) and 337-F(i) P.P.C and other hurts under section 337-L(ii) P.P.C which areailable. The role of causing injuries to the deceased Rajesh were attributed to co-accused Lalji and Chela Ram, therefore, their case requires further enquiry in terms of section 497 Cr.P.C. Lastly, he prayed for grant of bail.

4. Conversely, learned D.P.G for the State assisted by counsel for the complainant opposed grant of bail on the ground that this is heinous offence which carries capital punishment and comes within the prohibitory clause of section 497 Cr.P.C; that delay is well explained by the complainant; that the applicants actively participated in the alleged offence, therefore, they are not entitled for grant of bail. However, learned D.P.G admits to the counter version of the alleged incident.

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

6. Admittedly, there is counter version of the alleged incident and the applicants' party approached the learned Ex-Officio Justice of Peace for registration of the F.I.R but the same was declined in view of dicta laid down by the Hon'ble Supreme Court of Pakistan in Sughran Bibi vs. The State (PLD 2018 SC 595), therefore, I.O brought on record version of the applicant side by recording statements of Naharo, Dajraj and six persons namely Rai Chand, Chela Ram, Ravesh, Hero, Sardaro and Lalji who sustained injuries in the same alleged offence, out of them injuries sustained by Chela Ram fall under section 337-F(vi) P.P.C which is punishable for 07 years. It is settled position of law that in counter cases, it is yet to be determined who is aggressor as held by Hon'ble Supreme Court of Pakistan in Muhammad Rafique vs. The State (2015 SCMR 299). Even otherwise, the role of injuries attributed to the applicants were declared falling under section 337-A(i) and 337-F(i) P.P.C which are bailable.

7. In view of the above, the instant bail application is allowed, and applicants/ accused are admitted on post arrest bail subject to furnishing a solvent surety in the sum of Rs.100,000/- (Rupees One Lac only) each and P.R Bond in the like amount to the satisfaction of trial court.

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