

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S-813 of 2025

Applicants : 1) Qadir Bux
2) Jalaluddin
3) Sardar, all sons of Muhammad Sharif, Mako
Through Mr. Faiz Muhammad Brohi, Advocate

The State : *Through Mr. Mansoor Ahmed Shaikh, DPG*

Date of Hearing : 08.12.2025
Date of Decision : 08.12.2025

ORDER

KHALID HUSSAIN SHAHANI, J.— The applicants herein seek confirmation of the ad-interim pre-arrest bail previously granted by this Court on 08.09.2025 in connection with Crime No.05/2025 registered at Police Station Qadirpur, District Sukkur. The applicants face allegations for offences under Sections 337A(i), 337F(i), 506/2, 504, 114, 147, 148, and 149 PPC.

2. The prosecution's case, as per the FIR dated 30.05.2025, lodged by complainant Rehmatullah, unfolds that on 22.05.2025 at about 07:30 p.m., the complainant, alongside his brother Azizullah alias Karamullah, and others Azmatullah, Izatullah, and Naveed were engaged in working on land situated near their village. Suddenly, the applicants, in concert with other accused namely Muhammad Sharif, Bilawal, Yaseen, Qadir Bux, and Naimatullah alias Akbar, armed with lathis and hatchets, approached the complainant group, used abusive and threatening language, and launched a violent attack. The attack allegedly included severe blows inflicted by Bilawal with a hatchet on Azmatullah, Jalaluddin with a *lathi* on Karamullah, Sardar with a *lathi* on Izatullah, and Naimatullah with a *lathi* on Naveed. Others inflicted physical assault through kicks and fists before retreating, issuing threats of dire consequences. Immediately following the attack, the complainant took the injured to the police station, procured medical treatment letters and certificates, and subsequently lodged the FIR *inter alia* on the above facts.

3. Counsel for applicants vehemently denied all allegations, asserting applicants' innocence and false implication arising from a pre-existing dispute between the parties. The applicants stressed the significant delay of eight days in lodging the FIR, which cumulatively casts serious doubt on the prosecution's version, arguing this delay substantiates a fabricated case intended to malign the applicants. Further, the counsel emphasized that except for Section 506/2 PPC (criminal intimidation), all other sections invoked are bailable offenses. They contended that even Section 506/2 PPC does not fall within the prohibitory ambit of Section 497 Cr.P.C, thereby warranting grant of bail. Additionally, the applicants pointed to a counter FIR (No.06/2025) lodged by co-accused Bilawal against the complainant party, which introduces a competing and contradictory narrative of the incident, reinforcing that the true sequence and aggressor/aggressed status require full investigation.

4. The learned Deputy Prosecutor General conceded to the submissions presented by the learned counsel for the applicants, thereby acknowledging the *prima facie* grounds for bail.

5. Scrutinizing the material on record, it is evident that the applicants have been charged primarily with offenses that are bailable, save for Section 506/2 PPC, which itself is not encompassed within the bar under Section 497 Cr.P.C. This statutory framework favors the grant of bail as a rule rather than an exception.

6. Moreover, the presence of a reciprocal FIR lodged by co-accused Bilawal against the complainant party demonstrates a nuanced fact situation involving mutual allegations of aggression. Such complexities necessitate a comprehensive trial to ascertain the truth. It will be at the trial that the court determines the credibility of the parties' versions and identity of the true aggressor.

7. It is further noted that the investigation has been completed and the challan has been submitted, indicating that the applicants' further custodial detention is unwarranted for investigative purposes.

8. Given the totality of circumstances, the applicants have successfully demonstrated their entitlement to bail under Section 497(2) Cr.P.C, balancing their right to liberty against the interests of justice. Accordingly, the ad-interim pre-arrest bail earlier granted to the applicants is hereby confirmed subject to their compliance with all terms and conditions stipulated therein. The applicants are directed to cooperate fully by appearing before the trial court as and when required, and to not tamper with prosecution evidence or hinder the trial process.

9. It is clarified that the observations made herein are preliminary and shall not influence the trial court's assessment of evidence or affect either party's right to a fair trial.

J U D G E