

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Appln. No. S-848 of 2025

Applicant : Waqar Ahmed son of Mukhtiar Ali, Malano
Through Mr. Rahib Ali Malano, advocate.

Complainant : Javed Ali son of Saeed Ali, Malano
Through Mr. Qaimuddin Malano

The State : Through Mr. Shafi Muhammad Mahar, DPG

Date of Hearing : 05.12.2025
Date of Decision : 05.12.2025

ORDER

KHALID HUSSAIN SHAHANI, J.— The present application seeks the confirmation of the ad-interim pre-arrest bail earlier granted to the applicant, Waqar Ahmed, by this Court vide order dated 15.09.2025, in a case bearing Crime No.67/2025 registered at Police Station Cantt, District Sukkur. The applicant faces allegation for offences under Sections 147, 148, 149, 114, 324, 337-A(i), 337-F(i), 504, 506/2, and 337-H(ii) PPC.

2. The prosecution case, as articulated in the FIR lodged by complainant Javed Ali on 10.07.2025, concerns an incident occurring on the evening of 23.06.2025. Javed Ali, a practicing lawyer, narrates that after concluding court proceedings, he proceeded to his brother Sajjad Ali's shop where their father, Saeed Ali, was also present. Upon closing the shop and while en route to their residence near Makhan Belo at about 08:00 p.m, they encountered a group including accused Mukhtiar Ali armed with a firearm, Akhtar Ali wielding an iron rod, and others including the applicant Waqar Ahmed armed with pistols and lathis.

3. It is alleged that instigated by Mukhtiar Ali, Waqar Ahmed intentionally fired a shot directly at Sajjad Ali, severely injuring him on his left side. Simultaneously, the remaining accused physically assaulted Javed Ali and Saeed Ali, inflicting multiple injuries and threatening serious consequences before absconding from the scene. Subsequently, Javed Ali brought his injured brother to the police for treatment and formalities before lodging the FIR.

4. Counsel for the applicant vehemently contended that the applicant is innocent and falsely implicated in this matter, arising from a prior dispute between the parties. Notably, the FIR was lodged with a significant delay of 17 days from the date of the alleged incident, which casts doubt on the authenticity of the prosecution's version and raises a strong inference of malafide intention or ulterior motive to implicate the applicant falsely.

5. Furthermore, it was submitted that both the complainant Javed Ali and injured witness Sajjad Ali have sworn affidavits expressing their willingness to resolve the matter amicably outside the Court. They have formally conveyed their no objection to the continuation and confirmation of the interim pre-arrest bail granted to the applicant, reflecting the settlement reached between parties. Counsel also assured the Court that a formal compromise petition will be submitted before the trial Court in accordance with law.

6. The learned Deputy Prosecutor General frankly conceded to the submissions advanced by the applicant's counsel, acknowledging the presence of a compromise and no objection to confirmation of bail.

7. Upon meticulous examination of the record, it is evident that except for Section 506/2 PPC, which pertains to criminal intimidation with punishment potentially extending beyond the scope of bailable offences, all other sections charged are categorically bailable offences. Importantly, Section 506/2 PPC does not fall within the prohibitory clause under Section 497 Cr.P.C, which governs the grant of bail. Thus, the applicant is *prima facie* entitled to the concession of bail.

8. The affidavits from the complainant and injured witnesses establishing a bona fide compromise have significant bearing, as they exemplify a genuine resolution of the dispute beyond the confines of protracted litigation. The Court deems this reconciliation crucial, allowing it to lean favorably towards safeguarding the liberty of the applicant pending trial.

9. The applicant's undertaking to formally place the compromise on record before the trial Court further reinforces the bona fides of this arrangement and his intent to cooperate with the judicial process. Accordingly, this Court holds that the applicant has successfully met the threshold for further inquiry under Section 497(2) Cr.P.C, warranting confirmation of the bail previously granted. The interim pre-arrest bail granted to Waqar Ahmed vide order dated 15.09.2025 is hereby confirmed subject to the same terms and conditions previously imposed. The applicant is directed to cooperate fully, appear before the investigating authority as required, and participate in the trial process without fail.

10. It is clarified that the observations made herein are tentative and shall not influence the merits of the case during trial.

J U D G E