

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-373 of 2025

Applicant: Ali Raza S/o Moula Bux,
Through Mr. Nabi Bux Narejo, Advocate.

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

Date of Hearing: 11.12.2025

Date of Order: 11.12.2025

ORDER

Shamsuddin Abbasi, J: Through this Bail Application, the applicant/accused Ali Raza seeks pre-arrest bail in Crime No.07/2025 for offence under sections 355, 337-A(i), F(i), 504, 506(ii) and 34 P.P.C of PS Khan, after dismissal of his bail plea by the learned Additional Sessions Judge-II, Mirpurkhas, vide order dated 21.05.2025.

2. It is alleged in the F.I.R that applicant alongwith co-accused Imam Bux, Sikandar and Javed caused backside hatchet and lathies blows to the husband of the complainant namely Qabil, hence this F.I.R.

3. Learned counsel for the applicants that there is counter version of alleged incident as complainant Shoukat Ali from applicant's side also lodged F.I.R No.06/2025 at same PS as counter version and it is yet to be determined which party is aggressor; that specific allegations for causing injuries is attributed to co-accused Javed and Imam Bux; that there is inconsistency between medical evidence and ocular version for the reason that medical certificate shows that injured had sustained three injuries and alleged offence does not fall within the ambit of prohibitory clause of section 497 Cr.P.C. Lastly, he prayed for confirmation of pre-arrest bail.

4. Notice issued to the complainant but she is called absent. Learned D.P.G for the State has opposed for the grant of bail on the ground that applicant is nominated in the F.I.R and he has actively participated in the alleged offence, however, he admits that there is counter version of the alleged offence.

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

6. Admittedly, there is counter version of the alleged incident. From applicant's side, one Shoukat Ali lodged F.I.R No.06/2025 under sections 324, 337-F(i), A(i), 504, 147, 148 and 149 P.P.C at same PS and it is settled position of law that it is yet to be determined who is aggressor. As far the merits of the case is concerned, it appears that specific role for causing injuries is attributed to Javaid and Imam Bux with allegations that they caused injuries to injured on his leg and back but he did not specifically attributed any injuries caused by the applicant. Even otherwise, the alleged offence does not fall within the ambit of the prohibitory clause of Section 497 Cr.P.C., and in such like cases grant of bail is a rule and refusal is an exception, as held by the Honourable Supreme Court in Muhammad Tanveer v. The State **PLD 2017 SC 733**. It is also settled law that merits of the case can be considered in pre-arrest bail as held by Hon'ble Supreme Court of Pakistan in cases reported as **2022 SCMR 1271** and **PLD 2017 S.C 730**. Sufficient material is available on record which makes out the case for grant of pre-arrest bail in the present case.

7. In view of the above, the instant bail application is allowed, and the interim pre-arrest bail earlier granted to the applicant vide order dated 28.11.2025 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