

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail App. No. S – 488 of 2025

(Ghulam Asghar Chandio v. The State)

Date of hearing : **28.08.2025**

Date of decision : **28.08.2025**

Mr. Safeer Ali Jagirani, Advocate along with applicant (on bail).

Mr. Fayaz Ahmed Maitlo, Advocate for complainant.

Mr. Mansoor Ahmed Shaikh, Deputy Prosecutor General.

ORDER

Mahmood A. Khan, J. – The present applicant has been nominated in the FIR bearing No.43 of 2025, registered at Police Station Tando Masti Khan, District Khairpur, under Sections 324, 114, 147, 148, 149, 337-D, PPC, wherein he is alleged to have caused firing along with other accused on the victim. Earlier he approached the learned Additional Sessions Judge-II, Khairpur through Bail App. No.1141/2025 for acquiring same relief, which was dismissed vide order dated 04.06.2025; hence, he has filed instant application for seeking pre-arrest bail.

2. Learned Counsel for the applicant contended that the applicant was present at the Court of learned Additional Sessions Judge-II, Khairpur on the date of the incident, and to this effect, a diary of Sessions Case No.949/2023 has been submitted. He further submitted that according to the medical record, one injury of gunshot and the other was caused by the pistol, and the allegation against the present applicant is that he caused pistol injury. It is also contended that no *mens rea* has been shown in respect to the applicant.

3. Learned Counsel for the complainant, however, contended that distance from the Court to the place of incident is about 15 minutes.

4. Learned DPG, however, contended that the applicant has been nominated with specific role in the matter. The nature of injury is well

covered by the prohibitory clause, and no time has been mentioned in the diary relied upon.

5. Having heard the learned Counsel and gone through the record, specific allegation has been made in respect to the present applicant in the FIR. The injuries caused to the victim are supported by the medical record. Apparently, the applicant has never joined the investigation and acquired bail before arrest before the learned Sessions Court, and despite the decline on the ground of non-availability of mala fide being shown, approach has been made to this Court, wherein also no ground of mala fide has been taken. For the purpose of requiring pre-arrest bail, mala fides have to be shown, which are found absent in the present case.

6. I have deliberately not indulged into availability of bail after arrest as presently the same is not required and it is preferred to be kept so in order to ensure that no prejudice to anyone's case is made out. However, as far as the present application is concerned, the same is found not tenable and is accordingly **dismissed**.

J U D G E

Abdul Basit