

# IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

**Cr. Bail App. No. S – 774 of 2024**

*(Nazeer Ahmed Mastoi v. The State)*

Date of hearing : **01.09.2025**

Date of decision : **01.09.2025**

Mr. Waqar Ali Phulpoto, Advocate along with applicant (on bail).  
Mr. Rahib Islam Nabi Malano, Advocate along with complainant.  
Mr. Aftab Ahmed Shar, Additional Prosecutor General.

## **ORDER**

**Mahmood A. Khan, J.** – In this bail before arrest application, the applicant seeks bail in Crime No.55 of 2024, registered at Police Station Tando Masti Khan, District Khairpur, under Sections 336, 337-G, 279, PPC, wherein the present applicant is attributed as the driver of the subject vehicle causing injuries.

2. Learned Counsel for the applicant contends that it was an accident, as coming out from the FIR, and on account of the nature of the incident, bail may be considered for the applicant.

3. Learned Counsel for the complainant, however, contends that the matter is not limited to an accident, as not only the applicant has been nominated in the FIR, his specific role has been described and the resulting crime is of heinous nature. It is also contended that the victim has suffered severely, and threats are being advanced on part of the supporters of the applicant. Learned Counsel relies upon the case of Shokat v. The State and another reported as **2010 YLR 1570**.

4. Learned Additional PG, however, contends that the offence, as available, is not found within the prohibitory clause, and other remedies are available for redressal of grievances, whereas the compensation can also be granted by the learned trial Court by amending the charge at the relevant time. It is further contended that the applicant was on bail, which

was confirmed by the High Court; however, after insertion of Section 336, PPC, the bail was cancelled.

5. Having heard the learned Counsel and gone through the record, apparently, the record shows that the injuries were caused on account of the accident; however, the matter of conduct before and after the accident is liable to be appreciated by the learned trial Court during the trial, as only an assessment is to be made by this Court for grant or otherwise of bail. It can also not be denied in view of the material that severe injuries may be available to the victim, however the existence of accident being the cause as for now entitles the applicant to be considered for further enquiry as to the allegations available against him, and accordingly, this application is found liable to be entertained.

6. Accordingly, order dated 24.10.2024 stands **confirmed** to the extent of bail; however, the **amount stands enhanced** from Rs.30,000/- (Rupees thirty thousand) to Rs.100,000/- (Rupees one hundred thousand) in the matter.

7. The observations made above are tentative in nature and are not meant to affect merits of the case before the learned trial Court.

The bail application stands **disposed of** in the above terms.

J U D G E

Abdul Basit