

HIGH COURT OF SINDH CIRCUIT COURT MIRPURKHAS

Criminal Bail Application No.S-34 of 2026

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Applicant: Naik Wali s/o Ghanamzar Pathan
Through Mr. Muhammad Asif Zai, Advocate.

Respondent: The State
Through Mr. Neel Parkash, Deputy
Prosecutor General Sindh.

Criminal Bail Application No.S-35 of 2026

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Applicant: Naik Wali s/o Ghanamzar Pathan
Through Mr. Muhammad Asif Zai, Advocate.

Respondent: The State
Through Mr. Neel Parkash, Deputy
Prosecutor General Sindh.

Complainant: Sher Muhammad s/o Wali Muhammad.
Through Mr. Afzal Karim Virk, Advocate.

Date of Hearing: 10.03.2026

Date of Order: 10.03.2026

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ORDER

Miran Muhammad Shah, J- Through above captioned bail applications, the applicant/accused namely Naik Wali seeks post-arrest bail in Crime No.145 of 2025 for offence under Sections 324, 352, 337-H(ii), 147, 148, 149 PPC and in crime No.147 of 2025 for offence under section 25 Sindh Arms Act, registered at Police Station Satellite Town, Mirpurkhas, after dismissal of his bail plea by the learned Additional Sessions Judge-II, vide orders dated 13.01.2026.

2. The details and particulars of the F.I.Rs are already available in bail application and the F.I.Rs, as such, need not to reproduce the same hereunder.

3. Learned counsel for the applicant/accused submits that the applicant/accused is innocent and has been falsely implicated in the present case; that the FIR was registered with the delay of two days without any plausible explanation; that the ingredients of section 324 and 352 PPC are not attracted in the case; that role assigned to the applicant/accused is only to cause firearm injury to injured on non-vital part of the body; that nothing was recovered from the possession of the applicant/accused and the case property has been foisted upon the applicant/accused. Lastly, he prayed for the grant of bail.

4. Conversely, learned D.P.G and learned counsel for the complainant have vehemently opposed the grant of bail to the applicant/accused on the ground that the applicant/accused has actively participated in the commission of the offence and is not entitled to the concession of bail.

5. I have heard the learned counsel for the applicant/accused, learned counsel for the complainant and learned D.P.G for the State and perused the record.

6. From the perusal of the record, it appears that the applicant/accused caused a firearm injury to the injured by making a single shot at a non-vital part of the body. However, section 337-D PPC was inserted in challan later on after receipt of the final medico-legal certificate, which carries punishment up to ten years, and the injured, who received the injury at the hands of the applicant/accused, is still under treatment. In the contents of the FIR, each accused person has been attributed a specific role of causing firearm injury as a result of the attack by the accused party upon the complainant side. In injury cases, bail is generally granted, but in the present case the offence, on the basis of medical evidence, falls within the prohibitory clause, as it carries punishment of ten years. The accused persons are alleged to have attacked the family members, including

women, merely on the ground of a banana peel. Therefore, the facts of the case as well as the medical certificate show that the present applicant has not made out a case for bail. Moreover, the crime weapon has also been recovered from the possession of the applicant/accused, and the recovered empties have matched with the said weapon.

7. In these circumstances, the applicant/accused has failed to make out his case for grant of bail and the aforementioned bail applications are hereby dismissed.

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

Adnan Ashraf Nizamani