

CERTIFICATE OF THE COURT IN REGARD TO REPORTING

Crl. Bail Appl No. S- 234 of 2025

Siraj Ahmed Brohi and ors

VERSUS

The State

SINDH HIGH COURT

Composition of Bench Before Mr. Justice Muhammad Saleem Jessar

Single/D.B.

Dates of Hearing: 26.05.2025

Decided on 26.05.2025

(a) Judgment approved for
Reporting

YES

NO

26 J. 235

C E R T I F I C A T E

Certified that the judgment / Order is based upon or enunciates a principle of law /
poses a question of law which is of first impression / distinguishes/ over-rules/ reverses/
ains a previous decision.

Strike out whichever is not applicable.

NOTE: - (i) This slip is only to be used when some action is to be taken.

**(ii) If the slip is used. The Reader must attach it to be the top of the first page
of the judgment.**

**(iii) Reader must ask the Judge writing the Judgment whether the Judgment is
Approved for reporting.**

(iv) Those directions which are not to be used should be deleted

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

1st Cr. Bail Apnl. No.S- 234 of 2025

Date of hearing	Order with signature of Judge.
	1. For orders on office objection. 2. <u>For hearing of bail application.</u>
Applicants	: Siraj Ahmed Brohi & others, through Mr. Ghulam Akbar Soomro, Advocate a/w applicants (on bail).
The State	: Through Mr. Ali Anwar Kandhro, Addl. P.G.
Complainant	: Mst. Dur Bakht present in person.
Date of hearing	: <u>26.05.2025.</u>
Date of Decision	: <u>26.05.2025.</u>

O R D E R.

Muhammad Saleem Jessar, J.- Through this application, applicants Siraj Ahmed, Abdul Wahid, both sons of Muhammad Hassan, and Abdul Hakeem son of Abdul Aziz, all by late Brohi, seek their admission on pre-arrest bail in Crime No.11 of 2025, registered at P.S Karan Sharif, District Shikarpur, for offences under Sections 337-A(i), 337-F(i), 337-F(vi), 452, 506/2, 147, 148, 149, PPC. The applicants preferred their bail plea before the Court below, which by means of order dated 30.04.2025 was declined by the learned 5th Additional Sessions Judge, Shikarpur; hence, this application has been maintained.

2. The facts of the prosecution case, in brief, are that on 30.03.2025, at about 10.30 a.m., the applicants along with 06 other co-accused being armed with weapons intruded into the house of complainant Mst. Dur Bakht and caused blows to PWs Mst. Shaista, Mst. Salma, Mst. Ganj Bux and Mst. Aleena and while leaving extended threats of murder to the complainant and PWs. Hence, such FIR was lodged by the complainant on 27.04.2025.



3. Learned Counsel for the applicants submits that role attributed to applicant Siraj Ahmed is that he allegedly caused lathi blows to Mst. Shaista on her right arm and said injury as opined by the MLO falls u/s 337-F(i), PPC and is bailable; besides, applicant Abdul Wahab allegedly caused wrong side hatchet blow to Mst. Ganj Bux on her head, which has been declared by the MLO as *Shajah-i-Khafifah* falling u/s 337-A(i), PPC and is bailable; whereas, no role is assigned to applicant Abdul Hakeem except his mere presence at the relevant time. He, therefore, submits that the case against the applicants requires further enquiry; hence, prays for grant of instant bail application.

4. Learned Addl. P.G., while referring to the MLCs of injured issued by the MLO concerned, submits that the injuries allegedly sustained by injured and attributed to the applicants are simple as well as bailable; besides, the case is being tried by the Magisterial Court; hence, he has no objection.

5. Complainant Mst. Dur Bakht is present in person; she opposes the bail application on the ground that the accused persons had attempted to kill them and caused severe injuries to the women-folks of her house, therefore, they are not entitled for pre-arrest bail.

6. Admittedly, the FIR is delayed for about 29 days, for which no plausible explanation has been furnished by the prosecution, though the distance between the police station and the place of incident is only 5/6 kilometers. The injures allegedly attributed to applicants Siraj Ahmed and Abdul Wahid are bailable; besides the case is triable by the Court of Judicial Magistrate, where if the prosecution may succeed to prove the charge against the accused even then punishment of more than 03 years cannot be visualized. As reported by the learned Addl. P.G., interim challan of the chase has been submitted before the Consumer Protection Judge, Shikarpur, therefore, it will be appropriate for the parties to pursue the trial proceedings instead.

7. In the circumstances and in view of above, instant bail application is hereby allowed. The interim pre-arrest bail already granted to the applicants is hereby confirmed on same terms and conditions. Both parties are directed to proceed with the trial of the case for seeking its expeditious disposal.

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2018