

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD.**

Criminal Bail application No.S-1299 of 2025

Applicants :

1. Sohrab s/o Mithal Baloch @ Murad
2. Zakir Ali Khoso @ Zakri s/o Sohrab Khoso
3. Muhammad Sadique s/o Sain Bux
4. Deen Muhammad s/o Sain Bux
5. Muhammad Rafique s/o Sain Bux Khoso
6. Abdul Sattar s/o Muhammad Sadique
7. Abdul Ghaffar s/o Muhammad Sadiq
8. Ghulam Muhammad s/o Pirooz Khan
9. Altaf Hussain @ Altaf s/o Nawab Khan

Through Mr. Piyas Ali Soomro, advocate.

Respondent :

The State, through Ms. Rameshan Oad,
Assistant Prosecutor General, Sindh, along
with ASI Deen Muhammad PS Coal Mines.

Date of hearing : 05.01.2026
Date of order : 05.01.2026

ORDER

TASNEEM SULTANA, J.- The applicants, above-named, seek pre-arrest bail in Crime 16/2025, registered under Sections 447, 147, 148, 149, 504 PPC at Police Station Coal Mines, Jamshoro. Their bail plea was earlier declined by the learned Additional Sessions Judge-I, Kotri, vide order dated 18.10.2025.

2. Brief facts of the case are that complainant Abdul Ghafoor lodged the present FIR alleging that he owns mountainous agricultural land measuring 18 acres and 05 guntas, bearing Survey Nos. 39, 168 and 169, situated at Deh Wadhe Bohnri, rain-fed in nature. On 28-09-2025, after recent heavy rains, he along with his brother's son Ghulam Hyder S/o Ghulam Rasool and sister's son Rab Dino S/o Luqman, went to the said land for cultivation where huts/tents were installed. At about 03:00 p.m., they found the applicants/ accused persons present there, namely Sehrab S/o Murad (armed with gun), Rustam and Zakir (armed with pistols), Sadique (armed with pistol), Deen Muhammad and Rafique (armed with hatchets), Abdul Sattar (armed with hatchet), Abdul Ghaffar (armed with danda), and Sultan S/o Jharo, Dost Ali S/o Hakim, Gullo @ Karo S/o Peeroz, and Altaf S/o Nawab (armed with dandas). The applicants/ accused came out of the huts/tents with weapons, abused the complainant party, and

objected to their cultivating the land. The complainant party responded politely, asserting ownership of the land and alleging illegal occupation by the accused. The matter was reported to local notables who attempted to arrange a faisla, but the accused, particularly Sehrab, refused. Consequently, the complainant approached the police station seeking legal action and investigation. Hence, this FIR.

3. Learned counsel for the applicants submits that the applicants/accused have no nexus with the alleged offence and have been falsely implicated by the complainant due to personal grudge. The FIR has been lodged after an unexplained delay of about eight days, apparently after due deliberation and consultation. On the face of it, the prosecution story appears to be false, concocted, and fabricated, and the applicants/accused are victims of malice on the part of the complainant and the police. It is further submitted that no such incident took place on the alleged date and that the complainant, with mala fide intention, managed and engineered the story of the FIR. Learned counsel further submits that the applicants earlier approached the learned Additional Sessions Judge-I, Kotri, seeking pre-arrest bail and were granted interim pre-arrest bail vide order dated 10.10.2025, which was subsequently declined vide order dated 18.10.2025, mainly on the ground that the applicants allegedly did not join the investigation. It is contended that the learned court below failed to appreciate that the applicants were always ready and willing to join the investigation; however, due to bona fide reasons and circumstances beyond their control, they could not appear before the I.O. on the specified date. The applicants never intended to disobey the lawful directions of the court. It is further submitted that no specific role has been attributed to the applicants in the FIR and that the allegations levelled against them are general, vague, and motivated by enmity. The inordinate delay of about eight days in lodging the FIR has not been plausibly explained by the complainant. Moreover, co-accused Sultan and Dost Ali have already been granted bail by the learned Consumer Protection Judge, Kotri; therefore, the case of the present applicants stands on a much better footing and is fully covered by the rule of consistency.

4. On the other hand, Learned Assistant Prosecutor General submits that the learned trial Court had earlier declined the bail of the applicants mainly on the ground of non-joining of investigation; however, now the applicants have joined the investigation and all the sections are bailable, therefore, she has no objection if the interim pre-arrest bail of the applicants is confirmed.

5. Heard and record perused.

6. Offences, for the purpose of bail, are categorized into two classes, namely bailable and non-bailable offences. In cases involving bailable offences, an accused has an indefeasible right to be released on bail, subject to furnishing satisfactory surety. In the present case, it is not disputed that the applicants are facing allegations under Sections 447, 147, 148, 149 and 504 PPC, out of which Sections 447, 147, 148 and 504 PPC are bailable in nature, while Section 149 PPC does not create an independent offence but only fastens vicarious liability upon the members of an unlawful assembly for acts done in furtherance of the common object. As such, the bailability of Section 149 PPC depends upon the substantive offence alleged, which, in the present case, is predominantly bailable.

7. The interim pre-arrest bail of the applicants was earlier declined by the learned trial Court mainly on the ground of non-joining of investigation. However, it has now been stated that the applicants have joined the investigation, thereby removing the sole objection on which their bail was previously declined. Even otherwise, the learned Assistant Prosecutor General has fairly conceded that she has no objection to the confirmation of interim pre-arrest bail, as all the sections involved are bailable and the applicants have complied with the direction of joining the investigation.

8. It is a settled principle of law that in offences which are bailable, the right to bail is not confined to post-arrest bail alone, but extends equally to pre-arrest bail, and no useful purpose would be served by first subjecting the applicants to arrest and then releasing them on bail. Since the applicants are otherwise entitled to bail as a matter of right and no exceptional circumstances exist to refuse the same.

9. It is a well-settled principle of law that deeper appreciation of evidence is not warranted at the bail stage, and determining the merits of the case at this point would be inappropriate. In the circumstances, a case for further inquiry within the meaning of sub-section (2) of Section 497 Cr.P.C. is made out. Consequently, the instant bail application is allowed. The interim pre-arrest bail granted to the applicants/accused by this Court vide order dated 23.10.2025 is hereby confirmed on the same terms and conditions.

10. Needless to mention that observations made hereinabove are tentative and shall not prejudice the learned Trial Court at the stage of trial.

JUDGE