

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Bail Application No. S-534 of 2025
(Noor Muhammad @ Nooro & 2 others Vs. The State)

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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- 1. For Orders on office objection.
- 2. For hearing of bail application.

Date of hearing and order: 29-06-2026.

Mr. Sarfarz Magsi, Advocate for the applicant.
Nemo for the complainant.
Mr. Khalil Ahmed Maitlo, Deputy P.G for the State.

O R D E R.

Adnan-ul-Karim Memon J:- Applicants Noor Muhammad @ Nooro, Imam Bux and Moula all by caste Bhangar are present on interim pre-arrest bail granted to them on 23-06-2025 in Crime No. 58 of 2025 offences u/s 452, 504, 147, 148, 149, 114, 354-A, 337A (i), 337F (i) PPC registered at Police Station Baiji Sharif, District Sukkur.

2. Learned counsel for the applicants submits that they are innocent and have been falsely implicated due to previous enmity and mala fide on the part of the complainant. He contends that no such incident ever took place and the allegations are fabricated. It is argued that the prosecution witnesses are closely related to the complainant and, therefore, are interested witnesses. He further submits that the matter requires further inquiry, the applicants are respectable persons having no likelihood of absconding or tampering with the prosecution evidence, and that their arrest would only serve to humiliate them. He, therefore, prays for confirmation of their pre-arrest bail already granted by this Court vide order dated 23.6.2025.

3. Conversely, learned Deputy P.G, supported the case of the complainant, though she is not available despite repeated notices, opposes the bail application by contending that the applicants have been specifically nominated in the FIR with distinct roles. It is

submitted that the complainant and injured promptly reported the occurrence and were medically examined without delay, which lends confidence to the prosecution case. Learned DPG further argues that the medical evidence fully corroborates the ocular account and the allegations regarding trespass, assault, and outrage of modesty. It is maintained that sufficient material is available on record to prima facie connect the applicants with the commission of the offences; therefore, they do not deserve the extraordinary concession of pre-arrest bail. He prayed to dismiss the bail plea of the applicants.

4. I have heard the learned counsel for the parties present in court and perused the record with their assistance.

5. The prosecution case is that complainant Mst. Noor Jahan lodged the subject FIR alleging that the accused persons, in furtherance of their common object, forcibly trespassed into her house, assaulted the inmates, tore the clothes of the female members of the family, removed household articles, and while leaving, extended threats of dire consequences. Following registration of the FIR, the police initiated an investigation and made efforts to arrest the nominated accused. Apprehending their arrest, the applicants approached the Court of the learned Sessions Judge, Sukkur by filing Pre-Arrest Bail Application No.857 of 2025, which was transferred to the learned 2nd Additional Sessions Judge, Sukkur. They were granted interim pre-arrest bail; however, upon hearing the parties, the learned trial Court, vide order dated 19.06.2025, dismissed their bail application by recalling the interim relief; then they approached this Court and obtained interim relief vide order dated 23.6.2025.

6. The learned trial Court, after examining the FIR, medical evidence and other material available on record, observed that specific allegations of causing lathi blows were attributed to applicants Imam Bux, Moula Bux and Noor Muhammad @ Nooro, whose roles stood corroborated by the prompt lodging of the FIR, immediate medical examination of the complainant and injured, and the medico-legal certificates reflecting injuries caused by hard and blunt substances. The trial Court held that the prosecution material prima facie connected the said applicants with the

offences of house-trespass, causing injuries and outraging the modesty of the complainant, and that the mere fact that the offences did not fall within the prohibitory clause of Section 497, Cr.P.C. did not automatically entitle them to the concession of bail. Consequently, their pre-arrest bail was declined. However, the learned trial Court found that the remaining applicants had been assigned only general allegations, while the allegation against applicant Abdul Majeed, even if accepted at face value, prima facie attracted Section 354 PPC rather than Section 354-A PPC. Holding their case distinguishable from that of the principal accused, the learned trial Court confirmed their interim pre-arrest bail.

7. It appears that the Medico-Legal Officer examined complainant Mst. Noor Jahan and injured Mst. Zareena on 08.05.2025 at about 1:50 p.m. Complainant Noor Jahan was found to have sustained a bruise on her right thigh, another bruise over the right lumbar region, and swelling on the dorsum of her right hand. Injured Mst. Zareena was found to have suffered multiple abrasions on the left parietal region of the skull, neck, both cheeks, back and left knee, for which X-rays of the skull and right shoulder were advised. The Medical Officer kept the final opinion regarding the nature of injuries reserved pending expert radiological opinion; however, opined that all the injuries had been caused by a hard and blunt substance and were approximately three to four hours old, which was consistent with the prosecution's version regarding the time and manner of occurrence.

8. Upon careful appraisal of the material available on record, this Court is of the considered view that the case of the applicants does not fall within the ambit of further inquiry at this stage to warrant the extraordinary protection of pre-arrest bail under Section 498 Cr.P.C. The prosecution story, as disclosed in the FIR and supported by the prompt medical examination of the injured, reflects that the occurrence took place at the time alleged, wherein the complainant party sustained multiple injuries caused by blunt and hard substances, duly corroborated by medico-legal findings. The nature, location and number of injuries sustained by the injured persons, coupled with the immediacy of the FIR, furnish

strong prima facie support to the prosecution version, thereby lending credibility to the ocular account.

9. It is also an established principle that at the bail stage, the Court is not required to record a conclusive finding regarding guilt or innocence, yet where the available material reasonably connects the accused with the commission of the offence, especially where specific roles have been attributed in a case involving house trespass, assault and outraging of modesty committed in furtherance of common object, the discretion under Section 498 Cr.P.C. is to be exercised with circumspection. The plea of false implication on account of enmity, though always requiring consideration, remains a matter of deeper appraisal at trial and cannot, in the presence of corroborative medical and ocular evidence, be made a sole basis for extending pre-arrest bail.

10. The contention regarding interested witnesses also does not, at this preliminary stage, discredit the prosecution version, particularly when such witnesses are natural inmates of the house, and their presence at the place of occurrence is neither unnatural nor improbable. Likewise, the argument that the case calls for further inquiry loses force in view of the specific attribution of roles to the applicants and the consistent medical evidence supporting the alleged assault.

11. In view of the above, this Court is of the tentative view that the applicants have failed to make out a case for the confirmation of their pre-arrest bail already granted to them.

12. The protective umbrella of pre-arrest bail, being an extraordinary relief meant to be sparingly granted, cannot be extended to the applicants in the facts and circumstances of the present case, which prima facie disclose their active participation in the occurrence.

13. Consequently, the interim pre-arrest bail granted to the applicants vide order dated 23.6.2025 is hereby recalled, and their bail applications stand dismissed.

14. The applicants are directed to surrender before the Investigating Officer, failing which coercive measures shall follow in accordance with law.

15. The observation recorded herein above is tentative and shall not prejudice the case of either party at the trial.

J U D G E

Nasim/P.A