

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Bail Application No. S-447- of 2026
(Muhammad Hayat @ Mumtaz Hussain 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.

M/s Ameer Imtiaz Hussain Solangi and Nasir Mushtaque Sahito, advocates for the applicant.

Mr. Khalil Ahmed Maitlo Deputy P.G for the State, along with SIP Sadaruddin of PS Ranipur, ASI/I.O Kamil Khan, and SIP Ali Murad Narejo on behalf of SSP Khairpur.

O R D E R.

Adnan-ul-Karim Memon J:- Applicant Muhammad Hayat @ Mumtaz Hussain Sahito is present on interim pre-arrest bail granted to him on 14-05-2026 in Crime No. 55 of 2025 offences u/s 324, 337H (ii), 147, 148, 149, PPC, registered at Police Station Ranipur, District Khairpur.

2. Learned counsel for the applicant submits that the present applicant has been falsely implicated in the instant case due to previous enmity over landed property, which is admittedly pending litigation between the parties. It is argued that the FIR has been lodged with malafide intention and ulterior motives, as the complainant party is already aggrieved due to ongoing civil disputes. It is further contended that there is an unexplained delay of about two days in lodging the FIR, despite the police station being situated at a short distance of 5-6 kilometers from the place of occurrence, which creates serious doubt regarding the veracity of the prosecution story and indicates that the FIR was registered after due consultation and deliberation. Learned counsel further submits that all the alleged eye-witnesses are close relatives of the complainant and are highly interested witnesses, whose testimony cannot be safely relied upon at this stage without further probe. It is also contended that the alleged role assigned to the applicant is not supported by independent corroboration and requires deeper

inquiry. It is further argued that the story set up in the FIR is false, concocted, and motivated, and there are material contradictions and exaggerations in the allegations. The case, according to learned counsel, squarely falls within the ambit of further inquiry within the meaning of Section 497 Cr.P.C. It is also submitted that the police are aggressively attempting to arrest the applicant, who is facing harassment and repeated raids at his residence, making his arrest imminent and necessitating protection under Section 498 Cr.P.C. Learned counsel submits that no useful purpose would be served by the arrest of the applicant at this stage, as he is willing to cooperate with the investigation and furnish surety to the satisfaction of this Honourable Court. It is contended that grant of pre-arrest bail would meet the ends of justice and prevent unnecessary humiliation and abuse of process of law. On these grounds, he prayed that the applicant may be admitted to pre-arrest bail.

3. Learned DPG, assisted by the complainant present in Court, submits that the instant pre-arrest bail application is liable to be dismissed as the applicant has been specifically nominated in a heinous offence arising out of a well-planned armed attack. It is submitted that FIR No. 55/2025 was promptly lodged on 16.05.2025 with detailed narration that on 14.05.2025, the applicant along with co-accused persons, being armed with firearms and other deadly weapons, formed an unlawful assembly and made direct firing upon the complainant party, resulting in serious firearm injuries to Ameer Bux, Maqsood Ali, and Waqar Ali. It is further contended that the investigation conducted by the police is transparent and in accordance with law. The Investigation Officer, under the supervision of senior officers, inspected the crime scene, collected crime empties, recorded statements under Section 161 Cr.P.C., and secured medical evidence including Medico-Legal Certificates confirming firearm injuries described as Ghayr Jaifah Damiyah, Ghayr Jaifah Munqilah, and Jurh Jaifah. The recovered empties were also sent to the Forensic Science Laboratory, which confirmed that the recovered ammunition was fired from weapons, thereby corroborating the prosecution version. Learned DPG submits that sufficient incriminating material has been collected during investigation, and after receiving legal opinion from the DPP, challan has already been submitted before the learned trial Court. The applicant is shown as an absconding

accused, and his repeated non-availability during investigation further strengthens the inference of his involvement. It is also submitted that co-accused persons have already been challaned and in some cases proceedings have reached advanced stages, whereas the applicant deliberately avoided arrest, which shows his conduct is not that of an innocent person. It is further pointed out that the present matter arises out of a continuing property dispute, wherein both parties have been involved in multiple criminal cases against each other. The record further shows that the complainant party has no adverse criminal history comparable to the serious allegations levelled against the applicant, and in any case, previous litigations cannot justify or nullify the present attempt to commit murder by direct firing. Learned DPG further submits that the applicant has also been involved in counter-litigation FIR No. 95/2026; however, the same is being independently investigated and cannot dilute the gravity of the present offence involving attempted murder, multiple firearm injuries, and unlawful assembly. It is argued that the applicant has failed to make out any case of further inquiry, as the ocular account is fully supported by medical evidence, site inspection, recovery of crime empties, and forensic report. The allegations clearly fall within the prohibitory clause of Section 497 Cr.P.C., attracting no exception for grant of pre-arrest bail. It is finally contended that the applicant is trying to misuse the process of law to avoid arrest in a serious offence punishable under sections 324, 147, 148, 149 PPC, and there is every likelihood of abscondence and interference in investigation if bail is granted. On these grounds, they prayed that the pre-arrest bail application may be dismissed.

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

5. The learned trial Court, while declining bail to the applicant, observed that the applicants Muhammad Hayat @ Mumtaz Hussain and Afzal @ Afzoo are specifically nominated in the FIR with clear and distinct roles attributed to them, particularly of making direct fire upon the injured Maqsood Ali with firearms, resulting in grievous injuries. The medical evidence supports the prosecution version, as the injured was declared to have sustained Jurh Ghair Jaifah Munaqillah, which falls within the ambit of Section 337-F(vi) PPC. The Court further noted that the ocular

account furnished by the complainant is duly supported by the statements of witnesses recorded under Section 161 Cr.P.C., and the medical evidence is in line with the narration given in the FIR. It was further observed that no material has been brought on record to suggest any mala fide, enmity of such nature, or false implication to justify pre-arrest bail in favour of the applicants. Regarding the contention of delay in lodging the FIR, the Court held that mere delay of one day, in the circumstances of the case, is not fatal to the prosecution case, particularly where the injuries are serious, and the version is otherwise consistent and supported by medical evidence. The learned trial Court further held that the pleas raised by the defence require deeper appreciation of evidence, which is not permissible at the bail stage. Relying on the settled principle laid down by the Honourable Supreme Court of Pakistan that only tentative assessment is to be made at the bail stage, the Court concluded that the applicants have failed to bring their case within the ambit of further inquiry. Accordingly, the trial Court found that the applicant Muhammad Hayat @ Mumtaz Hussain is not entitled to the extraordinary concession of pre-arrest bail and his application was dismissed, with interim bail already granted to him being recalled. However, in respect of co-accused Zulfiqar Ali and Noor Hassan, the trial Court observed that the injuries attributed to them are of a simple nature and do not fall within the prohibitory clause of Section 497 Cr.P.C. Therefore, their interim pre-arrest bail was confirmed on the same terms and conditions.

6. The Final Medico-Legal Certificates issued by the Medical Officers of RHC Ranipur, in continuation of earlier provisional MLCs, reflect that the injured persons were examined and their injuries were initially kept reserved for expert radiological opinion. After receipt of radiologist reports from GIMS Gambat, the nature of injuries was finally determined. In respect of injured Ameer Bux Sahito, the medical officer opined that the injuries were declared as Ghayr Jaifah Munqilah (grievous firearm injuries) upon expert radiological confirmation. Similarly, in respect of injured Dilshad Ali, the injury was finally declared as Ghayr Jaifah Damiyah, again after expert opinion and radiological assessment. Likewise, in other injured persons (including Maqsood Ali and others as per record), the final medical opinion, after consultation with radiologists, confirmed that the injuries were either Ghayr Jaifah Munqilah or Ghayr Jaifah Damiyah, consistent with firearm trauma. In some

instances, injuries were also categorized as Jurh Jaifah, indicating a grievous nature depending upon depth and severity. The Medical Officers further clarified that all final opinions were rendered after due radiological examination and expert input, and the injuries were consistent with firearm wounds as initially recorded in the provisional MLCs. Thus, the medical evidence conclusively supports that the injured persons sustained firearm-related injuries of varying grievous nature, as finally confirmed in the Final Medico-Legal Certificates issued by RHC Ranipur.

7. Prima facie, the applicant is specifically nominated in the FIR with an active and direct role of making firearm assault upon the complainant party. The allegations are not general in nature but are supported by specific attribution of overt acts, which are further corroborated by the ocular account of the witnesses recorded under Section 161 Cr.P.C. The medical evidence in the case prima facie carries significant evidentiary weight at this stage, as the Final Medico-Legal Certificates clearly establish that the injured persons sustained firearm injuries, which were later confirmed as Ghayr Jaifah Munqilah, Ghayr Jaifah Damiyah, and Jurh Jaifah after expert radiological opinion. This medical evidence is prima facie, fully in line with the prosecution version and lends strong support to the allegation of direct firing upon the injured persons. The forensic evidence further supports the prosecution case, as the empty shells recovered from the spot were found to be fired from weapons of 12 bore and 7.62 mm bore, thereby providing independent corroboration to the ocular and medical evidence.

8. The contention of delay in lodging the FIR does not, in the circumstances of the case, cast doubt on the prosecution story, particularly where the incident involves multiple firearm injuries and immediate medical intervention. It is well-settled that mere delay, unless shown to be deliberate and unexplained, is not sufficient to disbelieve otherwise consistent prosecution evidence.

9. The plea of false implication based on enmity or civil dispute over landed property also does not, at this stage, constitute a ground for pre-arrest bail, as such disputes are unfortunately common in cases of violent occurrence and cannot, by themselves, negate specific allegations supported by medical and forensic evidence.

10. The settled principle of law is that at the bail stage only a tentative assessment is to be made and deeper appreciation of evidence is not permissible. However, even on such tentative assessment, the prosecution case appears to be well-founded, supported by ocular, medical, and forensic evidence, and clearly falls within the prohibitory clause of Section 497 Cr.P.C.

11. In view of the consistent prosecution evidence, absence of mala fide, presence of specific attribution of role, and recovery of incriminating material, this Court finds that the applicant has failed to make out a case of further inquiry or extraordinary circumstances warranting the grant of pre-arrest bail under Section 498 Cr.P.C.

12. Accordingly, the application for pre-arrest bail stands dismissed as being devoid of merits, and interim protection granted earlier vide order dated 14.5.2026 is hereby recalled.

13. The observation recorded herein is tentative in nature shall not prejudice the case of either party.

J U D G E

Nasim/P.A