

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

Cr. Bail Application No.S-1394 of 2025

Applicant : Harichand son of Devo Ram,
Through Mr. Ghulamullah Chang,
Advocate

Complainant : Through Mr. Nisar Ahmed Narejo,
Advocate

The State : Through Ms. Sana Memon,
Assistant P.G.

Date of hearing : 30.03.2026.
Date of order : 30.03.2026.

ORDER

RIAZAT ALI SAHAR, J.- The applicant, having been declined bail by the learned Trial Court, has filed the present application under Section 497 Cr.P.C., seeking post-arrest bail in Crime No. 17 of 2025, registered at Police Station Taluka Tando Muhammad Khan, in respect of offences punishable under Sections 324, 337-A(i), 337-A(iv), 337-F(i), 337-H(ii), 506(2), 504, 147, 148, and 149 PPC.

2. Briefly stated, the prosecution case, as set out in the FIR, is that the complainant, who is serving as Manager of the farmhouse of Tariq Usman Bhatti, alleged that on 07.03.2025 at about 0900 hours, while he was present along with witnesses Abdul Raheem and Afzal Baladi, they were intercepted by as many as sixteen nominated accused persons, including Ramoo, Poonum, Harichand (present applicant), and others. The accused persons were allegedly armed with pistols, hatchets, iron rods, and lathis. It is alleged that accused Ramoo and Poonum inflicted hatchet blows on the complainant's head with the intention to kill, while the present applicant, Harichand, caused an iron rod blow to the nose of witness Abdul Raheem. The remaining co-accused also allegedly caused injuries to the victims with their respective weapons. Thereafter, all the accused fled from the scene

while resorting to aerial firing, rioting, and extending threats of dire consequences. The injured were initially shifted to Civil Hospital Tando Muhammad Khan and subsequently referred to LUMHS Hyderabad for further treatment. Consequently, the instant FIR was lodged, citing prior enmity as the motive behind the occurrence.

3. Learned Counsel for the applicant has vehemently contended that the applicant is innocent and has been falsely implicated due to prior enmity. It is argued that although the incident allegedly occurred at 0900 hours, there is a noticeable delay in the registration of the FIR, which remains unexplained and gives rise to the possibility of deliberation and fabrication. It is further contended that the complainant himself has admitted strained relations with the accused party, and such enmity is a double-edged sword. Learned counsel has also argued that the allegation of aerial firing is general in nature and did not result in any firearm injury, while several accused have been implicated merely on the basis of their presence. It is submitted that the specific role attributed to the applicant is yet to be substantiated through evidence at trial; therefore, the case falls within the ambit of further inquiry under Section 497(2) Cr.P.C. Lastly, he has prayed for grant of bail.

4. Conversely, learned APG as well as learned counsel for the complainant have opposed the bail application, contending that the applicant has been assigned a specific and active role in causing injury to the victim Abdul Raheem with an iron rod. It is argued that the applicant, being part of an unlawful assembly armed with deadly weapons and sharing a common object, is equally liable for the acts of co-accused. It is further submitted that the ocular account is fully supported by medical evidence, which confirms the nature and seat of injury. Learned counsel has emphasized that the nature of the offence and the conduct of the accused disentitle him from the concession of bail.

5. I have heard the learned counsel for the parties and the learned APG and have perused the available record with their assistance.

6. It appears from the record that the Final Medical Certificate dated 03.04.2025, issued by the Medical Officer, declares the injury sustained by Abdul Raheem as Shajjah-e-Munaqqilah falling under Section 337-A(iv) PPC. The said offence is non-bailable and entails punishment which may extend up to ten years, thus squarely attracting the prohibitory clause of Section 497 Cr.P.C. The role attributed to the present applicant is specific and distinct, as he allegedly caused an iron rod blow to the nose (a vital part of the body) of the injured.

7. Furthermore, the case of the present applicant is distinguishable from that of the co-accused who have been granted bail by the trial Court; therefore, the rule of consistency is not attracted in the present circumstances. The material available on record prima facie connects the applicant with the commission of the offence and does not bring the case within the purview of further inquiry as contemplated under Section 497(2) Cr.P.C.

8. For the reasons stated above, I am of the view that applicant has failed to make out his case for grant of bail. Consequently, by a short order dated 30.03.2026 this bail application was **dismissed**. These are the reasons for the same short order. The trial Court is directed to conclude the trial within 03(three) months under the intimation of this Court through Additional Registrar.

JUDGE