

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No. S- 811 of 2026

Applicants:	Waheed Ali son of Photo Khan bycaste Maitlo through Mr. Illahi Bux Maitlo, Advocate.
Complainant :	Through Mr. Khadim Hussain Maitlo, Advocate.
The State	Through Mr. Muhammad Raza Katohar, Deputy Prosecutor General, Sindh.

ORDER. **21.10.2026.**

Suresh Kumar, J.--- Applicant named above seeks confirmation of the ad-interim pre-arrest bail granted to him by this Court vide order dated 01.09.2026, in a case bearing crime No. 211/2026, offence u/s 324, 34 PPC registered at Police Station Shah Lateef Khairpur.

2. The brief facts of the case, as depicted in the FIR, are that on 06 June 2026, at 2000 hours, the present applicant/accused, along with co-accused, in furtherance of their common intention, fired directly from his pistol at the complainant, resulting in injuries to his left shoulder and knee of the left leg. After the incident, the complainant narrated the incident to his relative, and after obtaining a letter and receiving treatment, he went to the police station and lodged the FIR.

3. I have heard the learned counsel appearing on behalf of the applicant/accused and learned DPG for State assisted by advocate for complainant. Learned DPG and counsel for complainant strongly opposed for confirmation of interim pre-arrest bail.

4. Having given due consideration to the arguments advanced by the counsel for the respective parties, I have perused the relevant material. From the perusal of the FIR, it reveals that the applicant/accused

allegedly fired upon the complainant, hitting him on his left shoulder and left leg below the knee. The FIR further reveals that the incident took place on 06 June 2026, while the FIR was registered on 03 July 2026, and such a delay of 27 days has not been plausibly explained; therefore, consultation and deliberation cannot be ruled out. Moreover, the complainant/injured sustained injuries to non-vital parts of the body; therefore, the applicability of Section 324 PPC is yet to be determined at the time of trial, while the injury sections have been declared as Ghayr Jaifah Mutalahimah, which falls under Section 337-F(iii) PPC and carries a punishment of three years, and does not fall under the prohibitory clause of Section 497 Cr.P.C. This Court, in the case of *Mir Hassan alias Fouji Brohi vs. The State* (2026 YLR 1910), has held that delay in criminal cases is fatal for the prosecution, particularly at the bail stage, and bail was granted on the ground of further inquiry. Similarly, in the case of *Ahmed Ali vs. The State* (2011 YLR 1735), it was held that the injuries on the person of the injured, which had been assigned to the accused, did not fall within the prohibitory clause of Section 497 Cr.P.C., and the injuries were on non-vital parts of his body, thus bail was granted. In the present case, the applicant/accused has been assigned injuries to non-vital parts of the body, coupled with the delay; therefore, the case against the applicant/accused requires further inquiry. Even otherwise, the applicant/accused has not misused the concession of interim bail granted by this Court.

5. For the foregoing reasons and the guidance taken from the above case laws, I am of the considered view that the applicant/accused has successfully made out a case for the grant of pre-arrest bail. Therefore, the interim pre-arrest bail already granted to the applicant is hereby

confirmed on the same terms and conditions, with a direction to appear before the trial court.

6. Needless to mention that the above observations are tentative in nature and will not prejudice the case of parties at the time of trial.

J U D G E

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