

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-347 of 2026
(*Sooraj vs. The State*)

Applicant : Sooraj son of Durango
Through Mr. Heman Das, Advocate.

Complainant : Loonbho son of Somoon,
Through Mr. Ali Gohar Mari advocate for complainant.

Respondent : The State
Through Mr. Dhani Bux Mari, Assistant P.G.

Date of hearing : 20.10.2026

Date of Order : 20.10.2026

ORDER

NISAR AHMED BHANBHRO, J: The applicant Sooraj seeks pre-arrest bail in crime No.33 of 2026, for offence under Sections 114, 504, 147, 148, 149, 337-A(i), 337-A(v), 337-L(ii), 337-F(v) PPC, registered at police station, Nangarparkar. It appears from the record that vide order dated 10.06.2026 learned Sessions Judge, Tharparkar at Mithi granted interim pre-arrest bail to applicants/accused Durango, Mukesh, Wankji & Raichand; however, refused to admit the applicant/accused on interim pre-arrest bail, therefore, instant pre-arrest bail was filed by him before this Court and the applicant was admitted to ad-interim pre-arrest bail on 30.06.2026.

2. The facts of the case are mentioned in the FIR and needs no repetition in compliance of Hon'ble Apex Court judgment in PLD 2014 SC 458.

3. Learned counsel for applicant contended that applicant is innocent and has been falsely implicated in this case due to previous dispute. He contended that the FIR is delayed for about one month and four days without any explanation. He contended that all sections are bailable except Sections 337-A(v) and 337-F(v) PPC, which have been misapplied and the case falls within the definition of Section 497(ii) Cr.P.C. He submitted that co-accused Durango, Mukesh, Wankji,

and Raichand have been granted pre-arrest bail by the Court of the learned Additional Sessions Judge-I, Tharparkar at Mithi vide order dated 19.06.2026, as such, the applicant is also entitled to the same relief under the rule of consistency. He prayed for the grant of pre-arrest bail to the applicant/accused. On the other hand, the learned Assistant P.G, assisted by the learned counsel for the complainant, conceded to the confirmation of bail.

4. I have heard learned counsel(s) for the parties and learned Assistant P.G and perused the record. From the perusal of the record, it transpires that learned trial Court vide its order dated 19.06.2026 confirmed the earlier bail order dated 30.06.2026. It also reflects from the record that present applicant is alleged to have caused straight blow with the side of spade to the head of complainant, whereas accused Mukesh caused hatchet blow to Narain and the other accused were attributed general allegations. It further transpires from the record that injury sustained by the injured Narain was declared as Sujja-e-Ammah, falling within the definition of Section 337-A(v) PPC and punishable with up to 10 years as Ta'zir, and the injury assigned to the present applicant/accused was Shajjah-i-Khafifah, falling within the definition of Section 337-A(i) PPC, punishable with up to two years and is bailable.

5. Surprisingly, learned trial Court granted pre-arrest bail to the accused Mukesh, whose injury was declared as Sujja-e-Ammah and the bail granted to him has not been challenged. The case of the applicant/accused is fit for the grant of bail under the rule of consistency. When confronted, the learned Assistant P.G. and the learned counsel for the complainant concede this factual position. Surprisingly, the learned Additional Sessions Judge-I, Tharparkar at Mithi has granted bail to an accused whose injury falls under prohibitory clause of Section 497 Cr.P.C, whereas the present accused, against whom there is an allegation of causing injury which was bailable in nature and no reason is assigned for this.

6. In view of the above, the instant bail application is allowed and the interim pre-arrest bail granted to the applicant Sooraj vide order dated 30.06.2026 is hereby confirmed, subject to the same terms and conditions. It is, however, made clear that in the event if, during proceedings, the applicant/accused misuses the bail then the trial court would be competent to cancel his bail without making any reference to this Court.

7. Needless to observe that the findings and observations recorded herein are purely tentative in nature and confined to the disposal of the instant bail application. The learned trial Court shall decide the case strictly on the basis of the evidence brought before it, independently and without being influenced by any observation contained in this order.

8. The instant Criminal Bail Application stands disposed of.

JUDGE

“Chander Kumar”