

HIGH COURT OF SINDH, CIRCUIT COURT, MIRPURKHAS

Crl. Bail Application No.S-205 of 2026

(Rao Ali Hyder vs. The State)

Applicant : Rao Ali Hyder s/o Rao Ali Nawaz
Through Mr. Ghulam Nabi Meo, Advocate.

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: Through the instant bail application, applicant Rao Ali Hyder son of Rao Ali Nawaz, seeks pre-arrest bail under Section 498 Cr.P.C in F.I.R bearing Crime No.40 of 2026, registered at Police Station Jhudo for offences punishable under Sections 324, 337-A(i), 337-F(i), 114, 147, 148, 149, 506(ii) PPC. His similar request was declined by the learned Additional Sessions Judge-II/, Mirpurkhas vide order dated 21.04.2026.

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 the applicant contended that applicant is innocent and has falsely been implicated in this case with malafide intention and ulterior motives due to previous enmity between the parties. He contended the no specific role has been attributed to the present applicant/accused in commission of offence and there are general allegation. He contended that there is a delay of one day in registration of FIR without any explanation. He contended that though the applicant is alleged to have caused a lathi blow on the left elbow of Bachal alias Dado, the injury has been declared as *Ghayr-Jaifah Munaqqilah*, punishable with imprisonment up-to seven years, and thus falls within the definition of Section 337-F(vi). He contended that the investigation is completed and the applicant is not required for further investigation. He has also joined the trial. He prays for confirmation of bail of the applicant.

4. Conversely, learned Assistant P.G opposed the bail and submitted that specific role has been assigned to the applicant/accused for causing injury which falls within the definition of Section 337-F(vi) PPC. No mala fides are attributed to the complainant against the present applicant; therefore, he prays for the dismissal of bail and the recalling of the interim bail granted to the applicant.

5. Heard arguments and perused the material available on record. Admittedly, there is a delay of one day in the registration of the FIR without any plausible explanation. As per the medico-legal report, displaced fracture of shaft of left ulna is seen. It is yet to be determined after recording of evidence, whether the injury was caused within the definition of Ghayr-Jaifah Munaqqilah. The investigation is completed. The applicant has joined the investigation and there is no allegation of misuse of the concession of bail. The enmity has been admitted in the FIR; therefore, mala fides on the part of the complainant cannot be ruled out. The alleged offence does not fall within the prohibitory clause of Section 497 Cr.P.C, where refusal of bail is an exception in cases where the applicant calls for further inquiry.

6. In view of the above, the instant bail application is allowed and the interim pre-arrest bail granted to the applicant vide order dated 29.04.2026 is hereby confirmed, subject to the same terms and conditions.

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”