IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Bail Application No.1983 of 2026

Applicant	:	Raja son of Wariyal Daphrani Through Mr. Muhammad Umar Advocate
Respondent	:	The State *Through* Mr. Muhammad Bux, Addl. Prosecutor General Sindh.
Date of hearing	:	10.11.2026
Date of Order	:	10.11.2026

O R D E R

KHALID HUSSAIN SHAHANI, J. – The applicant seeks confirmation of pre-arrest bail in a case bearing Crime No.181/2026, registered at Police Station Thatta, offence under Sections 147, 148, 149, 337-F(vi), 504, 506(2), 114 and 337-L(2), PPC, following dismissal of his application by the learned 1st Additional Sessions Judge/Model Criminal Trial Court, Thatta, vide order dated 22.06.2026.

2. The prosecution case, shorn of unnecessary details, is that on 09.05.2026, at about 10:00 a.m., the applicant, accompanied by co-accused persons, allegedly entered the complainant's house, where, upon the instigation of co-accused Ibrahim, he inflicted a lathi blow upon Mst. Razia, striking her head and right hand, while the remaining accused allegedly subjected her to kicks and blows before departing with threats of dire consequences. The occurrence is attributed to strained relations between the parties arising out of a matrimonial dispute. The FIR was subsequently registered on 20.05.2026 pursuant to the Court's directions.

3. Learned counsel for the applicant contends that the prosecution is actuated by previous enmity arising from a property dispute; that the FIR was lodged after an unexplained delay; that the medical evidence is deficient and its authenticity disputed; and that the incident allegedly occurred at the applicant's own residence, rendering the prosecution narrative open to serious doubt. He further invokes the rule of consistency, the co-accused having already been admitted to bail, and submits that the applicant's case, at the least, calls for further inquiry. Learned Additional Prosecutor General has been heard. The available record has been examined.

4. Although the applicant is assigned the specific role of causing injury to Mst. Razia, the evidentiary worth and precise legal classification of that injury remain unsettled. Significantly, the medico-legal certificate was assailed before the Special Medical Board, which, despite repeatedly summoning the injured, could not undertake her examination owing to her non-appearance. The communication dated 11.09.2026, issued by the Medical Superintendent/Civil Surgeon, Services Hospital, Hyderabad, establishes that the proceedings before the Board, including consideration of the disputed medico-legal certificate, have been kept in abeyance pending her appearance. Thus, the medical evidence, insofar as it bears upon the nature and classification of the injury, cannot presently be regarded as free from controversy. Its ultimate probative value is a matter for determination at trial.

5. Even otherwise, the principal injury attributed to the applicant, punishable under Section 337-F(vi), PPC, carries imprisonment extending to seven years and, therefore, does not attract the prohibitory clause of Section 497(1), Cr.P.C. The investigation has culminated in submission of the challan, and the applicant is no longer required for investigative purposes. In this backdrop, particularly when the disputed medical classification awaits authoritative determination and the co-accused have already been granted bail, no compelling justification emerges for subjecting the applicant to arrest at this stage. The question of common intention or common object, as well as the individual criminal liability of the accused, shall be determined upon appraisal of evidence at trial. The concession of pre-arrest bail, in these circumstances, would neither obstruct the administration of justice nor prejudge the prosecution case.

6. Consequently, this application is allowed, and the interim pre-arrest bail already granted to the applicant is confirmed on the same terms and conditions, subject to his continued attendance before the trial Court and compliance with its lawful directions. Any misuse of this concession shall entitle the prosecution to seek cancellation of bail in accordance with law.

7. Needless to observe that the foregoing assessment is purely tentative, confined to the question of bail, and shall not influence the trial Court in its independent appraisal of the evidence. Nor shall this order be construed as recognition or acceptance of any proposed compromise for purposes of acquittal, which, if pursued, shall be considered strictly in accordance with law.

J U D G E

Shahbaz