

**ORDER SHEET**

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.**

Cr. Misc. Appln. No.S- 340 of 2024.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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- 1.For orders on office objection as flag A.
- 2.For hearing of main case.

**16.4.2025.**

Mr. Naseer Ahmed Wagan, advocate for the applicant.

Mr. Muhammad Noonari, D.P.G.

Accused/respondents No.1 to 6 are present in person.

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By this application, complainant is seeking cancellation of bail granted to the accused/respondents No. 1 to 6 in Crime No.38 of 2024 of P.S Gaji Khuhawar, District Kamber Shahdadkot @Kamber by Trial Court vide order dated 16.9.2024.

Details and particulars of the FIR are already available in the memo of instant application, same can be gathered from the copy of FIR attached with the application, hence need not reproduce the same hereunder.

It is contended by learned counsel for the applicant that in the background of previous enmity, accused/respondents No.1 to 6 having been nominated in the FIR duly armed with deadly weapons have actively participated in the commission of offence with specific role of causing firearm injuries to four persons on different parts of their body and the version of the complainant was fully supported by the P.Ws as well as medical certificates therefore, sufficient material was available on record to connect them with the commission offence, hence the impugned order granting post arrest bail by the Trial Court to them has caused miscarriage of justice and liable to be cancelled.

Learned D.P.G opposed the application and supported impugned order on the ground it is well reasoned and need no interference by this Court.

I have heard learned counsel for applicant, D.P.G as well as respondents present in person and perused the material brought on record.

It appears that the FIR is delayed by 11 hours without any plausible explanation. All the injuries allegedly sustained by injured are bailable except injury attributed to accused Sajjad Hussain sustained by P.W Muhammad Ali on his right thigh which was declared as Ghayr-Jaifah Hashimah falling under Section 337-F(v) PPC such offence also does not fall within prohibitory clause of section 497 Cr.P.C. All the prosecution witnesses happen to be close relatives interest, therefore, they are interested and partisan, hence false implication of accused can not be ruled out more particularly when there is standing murderous enmity between the parties, as enmity is a double edged weapon which cuts both ways. The accused after grant of bail have not misused concession of bail. In the circumstances, the impugned order granting bail to the accused/respondents appears to be well reasoned and justified.

In view of above, no case for interference by this Court is made out. Resultantly, instant criminal miscellaneous application is dismissed. However, learned Trial Court is directed to expedite the matter and conclude the trial within 60 days.

**JUDGE**

Shabir/P.S