

**THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Bail Application No.S-705 of 2022.

DATE ORDER WITH SIGNATURE OF JUDGE

For orders on office objection.
For hearing of main case.

12.09.2022.

Mr. Muhammad Hashim Laghari advocate for applicant.
Mr. Imran Ali Abbasi, Assistant Prosecutor General, Sindh.
Applicant is present on ad-interim pre-arrest bail.
Complainant is present in person.

ORDER

MUHAMMAD IQBAL KALHORO, J:- Complainant is Sub-Divisional Officer Naukot against whom applicant, a local Zamindar, moved an application to Civil Judge & Judicial Magistrate Kunri for not supplying water to his lands in connivance with big Zamindars of locality by tampering with modules and flow of water to his lands. In order to confirm the situation complainant alongwith his staff and the Magistrate concerned decided to visit the site. After visiting, learned Magistrate left for the Court alongwith his staff, whereas complainant alongwith his staff decided to go for checking water courses of other lands. At about 1300 hours when he tried to sit in his car, he was assaulted by applicant, co-accused and 15/16 unknown persons duly armed with weapons. In the course thereof, applicant armed with Kalashnikov is stated to have fired at complainant but it luckily did not hit him. However, he was roughed up, his clothes were torn asunder and his wallet containing Rs.30,000/- in cash, CNIC, which fell on the ground, was also taken by accused who left the place of incident only after extending him serious threats.

Learned defence counsel has pleaded for confirmation of bail on the ground that only ineffective firing has been attributed to applicant, therefore his case requires further inquiry; he had moved an application against the complainant before the Magistrate concerned and in order to take revenge from him, this false case has been registered by him. His arguments have been

opposed by learned APG and complainant himself who is present in the Court and has narrated the entire incident.

Mere filing of an application by the applicant against complainant does not mean that the latter has acted out of malafide or ulterior motives to register FIR against the former for an incident which happened only after an official visit by the Magistrate who prima facie finding no illegality in the flow of water to the lands of applicant left for the Court. Police papers show that from the spot, an empty of K.K. Rifle was recovered, the torn clothes of the complainant were also secured in investigation and when complainant was subjected to medical examination, as many as eight injures, although minor in nature, were found on his person, a prima facie proof of his being roughed up. The grounds for confirmation of pre-arrest bail taken in defence require an inquiry in detail which exercise for deciding right of an accused to pre-arrest bail cannot be undertaken. Complainant is a senior official of Sindh government, who has nothing personal against applicant to falsely implicate him. Therefore, I do not find him entitled to the extra-ordinary concession of pre-arrest bail, a relief available only to those who are falsely implicated in the case by complainant or police on account of ulterior motives. Accordingly, the bail application is dismissed and ad-interim pre-arrest bail granted to him vide order dated 04.07.2022 is hereby recalled.

The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

JUDGE