

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.
Cr. Bail Appln. No.S- 142 of 2025.

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 bail Application.

05.5.2025.

Mr. Mujahid Ali Jatoi, advocate a/w applicants.

Mr. Aitbar Ali Bullo, D.P.G.

Ms. Akhtiar Begum, advocate a/w complainant.

O R D E R.

AMJAD ALI SAHITO-J.:- Through this bail application, applicants Abdul Razak, Asmatullah and Juman Ali are seeking pre-arrest bail in Crime No.07/2025 of P.S Mahi Makol under Sections 324, 114, 148, 149 PPC, after dismissal of his bail plea by learned trial Court vide impugned order dated 14.3.2025.

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.

Per learned counsel, the applicants have been falsely implicated in this case due to enmity over matrimonial dispute; that role assigned to applicant Asmatullah is that he fired from his pistol upon uncle of complainant P.W Muhammad Usman which could not hit him, role against applicant Juman is only instigation while applicant Abdul Razak allegedly fired from his pistol upon Mohammad Usman which hit him on right side of waist and the injury suffered by him fall under Section 337-F(vi) PPC which carries punishment upto 7 years, hence his case also do not fall within prohibitory clause of section 497 Cr.P.C. He further argued that there is standing matrimonial dispute between parties and all the prosecution witnesses are closely related to complainant, therefore, false implication of applicants can not be ruled out. On all these submissions, learned counsel prays that the applicants are entitled to the concession of bail.

On the other hand, learned D.P.G duly supported by the learned counsel for the complainant have vehemently opposed the grant of bail to the applicants.

Heard learned counsel for the applicants, counsel for complainant as well as learned D.P.G and perused the material brought on record.

Perusal of record reflects that names of applicants appear in the FIR. Role assigned to the applicant Abdul Razak is that he was holding pistol and directly fired upon Muhammad Usman, uncle of complainant, which hit him on right side waist which resulted into serious injury. The ocular evidence finds support from medical evidence and prosecution witnesses in their 161 Cr.P.C statements have fully supported the version of the complainant. As such accused Abdul Razak is not entitled to the concession of bail, therefore, his bail plea is dismissed. Interim bail order dated 18.3.2025 already passed by this Court in respect of applicant Abdul Razak is hereby recalled.

As far as role attributed to applicant Asmatullah is concerned, he allegedly fired from his pistol at P.W Muhammad Usman which could not hit him and he did not repeat fire. Applicant Juman is assigned only role of instigation to other accused persons. All these aspects will be seen after recording evidence of prosecution witnesses at the trial whether they shared common intention in the commission of offence or not. In view of above, learned counsel for the applicants/accused Asmatullah and Juman has made out case for grant of bail to them in view of subsection 2 of Section 497 Cr.P.C. Resultantly, their bail plea is allowed. Interim pre arrest bail already granted to applicants Asmatullah and Juman them vide order dated 18.3.2025 is hereby confirmed on the same terms and conditions.

Needless to say, observations made herein above are tentative in nature and would not prejudice the case of either side.

JUDGE

Shabir/P.S