

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD  
Criminal Miscellaneous Application No.S-293 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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22.05.2025

Mr. Ghulamullah Chang advocate for Applicant.

Mr. Abdul Hameed Bajwa advocate for Complainant.

Mr. Shahid Ahmed Shaikh, Addl. P.G. along with  
Inspector Muhammad Khan Kaloi SHO PS Khorwah on  
behalf of SSP Badin.

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**MIRAN MUHAMMAD SHAH, J.-** Learned Counsel for the  
Applicant has filed this Application u/s 561-A Cr.P.C.  
challenging the Order of Court of Sessions Judge/Ex-Officio  
Justice of Peace Badin wherein the learned Trial Court has  
passed the following Order:

8. In the light of above facts and circumstances, I am of  
the view that applicant has failed to make out case for  
giving of directions thereby restraining the I.O from  
conducting investigation of crime No.23 of 2025 of P.S  
Khorwah. However, in the larger interest of justice the  
SSP Badin is directed to nominate another honest  
investigating officer to the level of DSP other than Badin  
Headquarters to further investigate the matter in crime  
No. 23 of 2025 of P.S Khorwah. Hence, this application is  
disposed of.

2. Learned Counsel states that in light of Sughran Bibi case  
the second FIR is barred and cannot be lodged in respect of the  
same incident occurring on same place involving same parties  
and prays that there is only one which FIR may be considered  
for the investigation purpose.

3. Learned Counsel for the Complainant who has filed power  
which is taken on record states that these are the two different

incidents with occurrence with difference of time. His contentions are supported by the SHO PS Khorwah who in his Report also states that these are two different incidents which took place with span of half hour in between. He further states that for the said reasons the second FIR was lodged and investigation is also being held separately.

4. I have gone through the impugned Order and perused the operative part above and I do not find any adversity in the said Order and in fact the prayer of the present Applicant in the said impugned Order has been allowed. However due to pendency of bail Application before the learned Trial Court both the Counsel are found to be under the anxiety. Counsel for the Applicant states that in fact he is not aggrieved by the impugned Order but he fears his arrest once his pre-arrest bail is decided whereas the counsel for the Complainant apprehension is that the case that has been registered against him is not being proceeded and especially their bail application is being kept pending because of the counter cases. I after going through the record and arguments of the Counsel opined that Orders cannot be passed on presumptions. The arguments clearly indicate that the anxiety of the learned Counsel for the Applicant is premature as all the Applicants are on interim bail and cannot be arrested while they remain on bail.

Matter in above terms stands disposed off.

JUDGE

Ali Haider