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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.
Crl. Bail Appln. No.S-203 of 2021.

Date	Order with signature of Hon'ble Judge
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1. For orders on office objection.
2. For hearing of Bail Application.

Mr. Nooruddin Mahessar, advocate for the applicants.
Mr. Ali Anwar Kandhro, Additional Prosecutor General.
Mr. Khadim Hussain Qadri, advocate for the complainant.


Date of Hearing : 29.09.2021.
Date of decision : 29.09.2021.

ORDER

Omar Sial, J.- Ghous Buksh *alias* Meer, Khalid, Abdul Jabbar have all sought post-arrest bail in Crime No. 24 of 2021 registered under sections 324, 337A(i), 337F(i), 337A(ii), 147, 148 and 114, P.P.C. at the Rato Dero Police Station. Earlier, their application seeking bail was dismissed twice by the learned Additional Sessions Judge, Ratodero on 26.3.2021 and 04.5.2021.

2. Nadeem Ali lodged the aforementioned FIR on 16.02.2021 reporting an incident that occurred earlier that day. He recorded that he was a labourer and that on 12.02.2021 there was an exchange of harsh words between him and one Ghulam Murtaza Channa. He was available at the plot of land, which is the subject of acrimony, along with seven others when eight persons appeared on the scene. They were identified as Ghulam Murtaza, Ghulam Muhammad, Mithu, Parial, Imamdin and the applicants, who were all holding shovels, hatchets and lathi. Ghulam Murtaza instigated the others, upon which applicant Ghous Buksh hit the complainant and his uncle Liaquat Ali with the hatchet he held. Khalid hit the complainant with the handle of his shovel. Imamdin hit Abdul Ghafoor with his lathi. Abdul Jabbar hit Zoya with his hatchet. Parial hit Amna with his hatchet. Mithu hit Sumaira with his hatchet. Ghulam Murtaza and Ghulam Muhammad hit Ghulam Abbas with their hatchets. Imamdin hit the complainant with his lathi. The assailants then left the scene.

3. I have heard the learned counsel for the applicants as well as the Additional Prosecutor General and learned counsel for the complainant.

 My observations are as follows.

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4. The story as narrated by the complainant seems rather unnatural. It seems odd that the complainant while being beaten up himself has so vividly recalled who hit whom and on which part of the body. Be that as it may, all three applicants are said to have hit the complainant with the instruments they carried. However, more surprisingly the Additional Prosecutor General confirmed that neither did the complainant go to the police station requesting a letter for medico-legal examination nor does the record reveal any medical certificate issued with regard to the complainant. In the background of the self admitted dispute over a piece of land, as well as what appears to be *prima facie* an unnatural account of a brawl coupled with no evidence on record to show that the complainant was even injured, *malafide* on the part of the complainant to register this case cannot be conclusively ruled out at this preliminary stage.

5. It also appears that a counter-version of the same incident culminating in FIR No. 26 of 2021 has also been lodged by the accused party against the complainant party. It is yet to be determined as to who the aggressor was and who was the aggressed.

6. In view of the above, the case of the applicants appears to be one of further inquiry.

7. Above are the reasons for short order dated 29.9.2021.


JUDGE