

13-2-2025.

Shri Habibullah K. Ghori, advocate for the applicant.

Shri Ashiq Ali Jatoi, advocate for the —
complainant.

Sh. Ali Anwar Kandhro, Addl. As.
v — p — y
Heard. Reserved for orders.


Judge

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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

1st Crl. Bail Application No.S-641 of 2024

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. Habibullah G. Ghouri, advocate for the applicant.
Mr. Ali Anwar Kandhro, Additional Prosecutor General.
Mr. Ashique Ali Jatoy, advocate for the complainant.

Date of Hearing : 12.02.2025.
Date of decision : 21.02.2025.

ORDER

OMAR SIAL, J.: Sahib Chandio has filed this application seeking post-arrest bail in FIR No. 5 of 2023, which was registered on 09.07.2023 under sections 302, 114, 337-H(2), 148, and 149 P.P.C at the Deenar Buriro, police station.


2. The FIR was registered on the complaint of Sobdar Chandio. He recorded unpleasant relationships with a man, Khan Muhammad Chandio, on account of a dispute over a tract of land. On the previous day, 08.07.2023, Sobdar, with Muhammad Yusuf and Mir Hamza, was riding back to the village on a motorcycle when six armed men intercepted them. Those people were identified as Khan Muhammad, Sahib Chandio (the applicant in this application), Sadam, Hussain, Nazeer, and another unknown person. Upon Khan Muhammad's instigation, the applicant Sahib pulled out his pistol and shot at Hakim Ali, thereby killing him. The assailants then left the crime scene.

3. The learned counsel for the applicant argued that this was a false case registered due to the ongoing land dispute between the parties. The FIR was lodged 29 hours after the incident, and the applicant was not at the scene. There was no recovery, and the investigation is complete.

4. I have heard the learned counsels for the applicant, the complainant, and the learned Addl. Prosecutor General.

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5. The applicant has been nominated specifically in the FIR as being the person who caused the only bullet injury to Hakim Ali. Prima facie, the applicant shot intending to kill Hakim Ali as the medical report shows only one firearm injury, which hit him on the neck and exited from his forehead.
6. Learned counsel is correct to the extent that there is a 29-hour delay in lodging the FIR. However, looking at the case holistically, the delay is not of such a nature that would benefit the applicant at this preliminary stage. Only after recording evidence will the learned trial court be able to determine the delay's impact on the prosecution case.
7. Motive is a double-edged sword that could work for the benefit of an accused or the accuser, depending on the circumstances of the case. Upon a tentative assessment, in this case, there is no evidence to show that a false allegation has been made against the applicant. On the contrary, keeping in view the trend of throwing the net wide predominantly in the interior parts of the province, credibility is given to the complainant's narration as it does not appear to be exaggerated.
8. It is also a matter of record that the applicant was declared a proclaimed offender on 29.08.2023, having remained an absconder for over a year and a half. His past conduct shows that if admitted to bail, there is a strong possibility of his absconding once again. The failure of the I.O. to recover the crime weapon may very well have been impacted by the applicant's absconding.
9. Three eyewitnesses to the occurrence, Muhammad Yusuf, Mir Hamza, and Sobdar (the complainant), have recorded their 161 statements in a prompt manner. On a tentative assessment of the statements, they do seem to be consistent and corroborating each other.
10. Given the above, it would be appropriate if the applicant remained incarcerated until the final adjudication of the case. The bail application is, therefore, dismissed.


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JUDGE