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

Crl. Bail Appln. No. S- 283 of 2017.

Date of hearing

28.08.2017.

Order with signature of Judge

Mr. Ahmed Bux Abro, Advocate for applicants.

Mr. Khadim Hussain Khooharo, Addl. P.G.

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**JUDGMENT**

Omar Sial, J: The Applicants have sought pre-arrest bail in crime number 13 of 2017 registered u/s 337-A(iii), F(i), 147, 148 and 504 P.P.C. at the Jacobabad police station. Earlier on 22-5-2017 their pre-arrest bail application was dismissed as withdrawn by the 1st Additional Sessions Judge at Jacobabad.

Brief facts of the case are that on 15-2-2017 at about 1730 hours, one Mohammad Sallah lodged the aforementioned F.I.R stating therein that he had exchanged some harsh words with one Abdul Rehman over an issue of cutting trees. On 27-1-2017, the complainant, his son Jameel and nephew Mohammad Hanif were sitting at a hotel when at about 8:00 p.m. the accused appeared there. He identified them as Shahid, Shah Zaman, Mir, Raju, Misri (all the Applicants in this application), Abdul Rehman, Khan and Shaan. Shaan had a spade while the others held cudgels. Accused Shaan hit Mohammad Hanif with the spade he held while all the other accused kicked him and hit him with their fists. The complainant party took the injured Hanif to the police station and after obtaining a letter from the police brought the injured to the Civil Hospital; from where the injured was sent to a hospital in Larkana and then a hospital in Karachi.

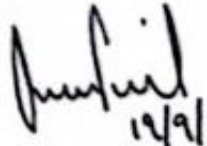
I have heard the learned counsel for the Applicants as well as the learned APG. The complainant had appeared on an earlier date and had stated in Court that he

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will rely on the arguments of the learned APG and thus did not want to engage a counsel. My observations are as follows.

A specific role of hitting Mohammad Hanif with a spade has been assigned only to accused Shaan whereas a general allegation of hitting Hanif with fists and kicks has been made against the other accused. No medical report has been produced in Court to show the nature of injuries to Mohammad Hanif. There is a delay of 18 days in lodging the F.I.R. The complainant's explanation that the injured was receiving treatment in Larkana and Karachi and thus the delay, requires further inquiry as at this stage no record of treatment in Larkana and Karachi is available with the prosecution. In these circumstances, at this stage of tentative assessment, and keeping in view the admitted enmity between the parties, ulterior motive on part of the complainant to book the Applicants in this case cannot be conclusively ruled out.

Above are the reasons for my short order of 28-8-2017 in terms of which the interim pre-arrest bail granted to the Applicants on 4-7-2017 was confirmed on the same terms and conditions.

  
14/9/17  
JUDGE