

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR.

Crl. Bail Application No. S- 463/2024.

Date of hearing	Order with signature of Judge
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For hearing of bail application.

O R D E R.
05.08.2024.

Mr. Muhammad Hussain Leghari, Advocate for applicant.
Syed Sardar Ali Shah, Additional Prosecutor General.

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MAHMOOD A. KHAN J., Applicant seeks pre-arrest bail in Crime No. 61/2024 registered at Police Station Kotdiji said to have been occurred on 28.04.2024 for offences under sections 324, 337-H(2), 147,148,149 PPC, after rejection of his bail plea for the same relief by learned trial Court vide order dated 29.06.2024.

2. Since the facts of the prosecution case are sufficiently mentioned in the FIR, therefore, there is no need to reproduce the same for the sake of brevity. However, the allegation against the applicant that he along with co-accused duly armed with weapons, rioted and in furtherance of their common object they have seriously injured Yar Muhammad alias Makhan nephew of complainant and made firing in air.
3. Report submitted by Process Server and the complainant in response to the notice present. He has relied upon learned Additional P.G for proceeding of the case.
4. Learned counsel for applicant contends that present complainant had earlier also lodged proceeding against the

present applicant and in this regard has failed to show the entitlement of the subject land in respect of which false allegation has been made to suppress the applicants. He further contends that medical report has been managed and actual existence which is being challenged by the applicant also, however, on account of arguing of bail said exercise is yet to be made out. Learned counsel contends that apart from medical report no material has been brought by the complainant nor the Investigation Officer has been able to secure anything in respect of the allegations made. He finally contends that the sections imposed upon present applicant do not fall within prohibitory clause of section 498 Cr.P.C and as such concession of bail is liable to be considered for the applicant.

5. Learned Additional PG, however, contends that the FIR is corroborated by the medical evidence and enmity being existed between the parties and as such bail is not liable to be considered as this is a pre-arrest bail.

6. Heard learned counsel for applicant as well as learned Additional P.G and have also perused the material available on record.

7. The alleged offence said to have been reported on 28.04.2024 wherein complainant who is present before the Court also claims to have been wounded is found having no any remaining effects thereof although supporting medical is in respect of his son. The alleged offences are not restricted by the prohibitory provisions as such requires that indulgence be made although this is a pre-arrest bail as the grounds are found available and in such case bail is a rule and denial an exception. Accordingly, instant Criminal Bail Application is allowed and in result thereof interim pre-arrest bail, granted to the applicant vide order dated. 08.07.2024 is

hereby confirmed on the same terms and conditions. However, learned trial Court shall be competent to take necessary action against the applicant/accused without making any reference to this Court, in case he misuses the concession of pre-arrest bail at any stage.

8. It needs not to reiterate that the observation(s) made herein above is/are tentative in nature and the same shall not prejudice the case of either party during trial. These are the reasons of short passed in the earlier part of the day.

Captioned bail application stands disposed of.

J U D G E

Irfan/P.A