

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR.

Crl. Bail Application No. S- 135/2024.

Date of hearing	Order with signature of Judge
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- 1. For orders on office objection at Flag ‘A’.
- 2. For orders n MA 1140/2023 (Ex)
- 3. For hearing of bail application.

ORDER.
03.10.2024.

Applicants Shahid Ali and Imtiaz are present in person.
Mr. Achar Khan Gabol, Advocate for complainant.
Syed Sardar Ai Shah, Additional P.G.

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MEHMOOD A. KHAN J., Through this order, I intend to dispose of pre-arrest bail application filed on behalf of applicants/accused Shahid Ali and Imtiaz in crime No.17/2024, offence under sections 324, 114, 147, 148,149, 504, 337-H(ii) PPC of Police Station Abad District Sukkur. Prior to this, the applicant/accused named above filed such application for grant of pre-arrest bail but the same was turned down by learned Additional Sessions Judge-V Sukkur vide order dated 29.02.2024 hence he has filed instant bail application.

2. It is alleged that on 15.01.2024 at 3.15 noon in furtherance of their common object duly armed with deadly weapons present applicants along with co-accused attempted

to commit the murder of cousins of the complainant by firing from their weapons.

3. On previous date at the calling of the applicants specific date for today was given when counsel for the applicants was not present but the applicants themselves were in attendance. They were entertained with the specific caution of proceeding of the matter for today on the basis of record and whatsoever assistance as may be available. Today adjournment is again being sought, however, this being a bail application it was not found required as the applicants are available for hearing on their part. Request of adjournment in the said circumstances was denied specifically as no reasonable ground was shown for unavailability of learned counsel despite the caution.

4. Applicant No.1 Shahid states that FIR was lodged by them also. Such a FIR or counter version otherwise is not found on the record nor any supporting material has come up. He also contends that the settlement has been acquired between the parties.

5. Learned counsel for the complainant, however, contends that specific role has been assigned to both the accused wherein in respect of applicant No.1 Shujjah-e-Jaifah has been determined along with Shujjah-e-Mutlahimah carrying the punishment of 10 years and cognizance under section

337-F(iii) PPC is available, whereas for applicant No.2 injuries of Section 337-F(iii) PPC are present.

6. Learned Addl.P.G opposed the bail application for applicant No.1 on the same grounds, however, he concedes for entertainment of bail for applicant No.2 on the ground that injuries against him are not covered by the prohibitory clause of section 497 Cr.P.C. Both the learned counsels opposing the bail application, however, states that no mala fide has been shown.

7. Having heard applicants/accused, learned Addl.P.G and gone through the record.

8. This being the bail application, a tentative assessment on the basis of record is to be ascertained whereas on account of approach under section 498 Cr.P.C mala fide is to be shown. Apparently, the record is devoid of any mala fide, however, as the allegations are present in respect of which the record shows that in respect of applicant No.1 the allegations are well covered by the prohibitory clause whereas for applicant No.2 the same are not covered by prohibitory clause of Section 497 Cr.P.C. The bail application is found liable to be entertained for applicant No.2, his interim pre-arrest bail already granted by this Court vide order dated

05.03.2024 is hereby confirmed on same terms and conditions, whereas bail application filed for applicant No.1 Shahid stands dismissed and interim pre-arrest bail already granted to him vide order dated 05.03.024 is recalled.

9. The bail application stands disposed of in the above terms.

J U D G E

Irfan/P.A