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ORDER SHEET

IN THE HIGH COURT OF SINDH CIRCUIT COURT LARKANO

Cr. Bail Application No. S- 132 of 2022

Applicant(s):

Wazir Din, Mazhar Ali, Afaque Ahmed, Naveed, Ghulam Rasool and Aamir Ali are present in person.

The State:

Through Mr. Ali Anwar Kandhro, Additional Prosecutor General.

Complainant:

Karim Bux in person.

Cr. Bail Application No. S- 140 of 2022

Applicant(s):

Mashahid Hussain, Kashif Ali and Mohammad Azam, through Mr. Farhat Ali Bugti, advocate.

The State:

Through Mr. Ali Anwar Kandhro, Additional Prosecutor General.

Complainant:

Karim Bux in person.

Cr. Bail Application No. S- 241 of 2022

Applicant(s):

Roohullah Shabrani, through Mr. Safdar Ali G. Bhutto, advocate.

The State:

Through Mr. Ali Anwar Kandhro, Additional Prosecutor General.

Complainant:

Karim Bux in person.

Date of hearing:

27.05.2022

Date of order:

27.05.2022

ORDER

Muhammad Saleem Jessar-J. By this common order I propose to dispose of these three bail applications bearing No.132, 140 and 241 of 2022 filed by accused/ applicants which arise out of crime No.18 of 2022, Police Station Allahabad, Larkana under section 506/2, 337-A(i),F(i),504,147 and 148 PPC.

2. Mr. Safdar Ali G. Bhutto, learned counsel for the applicant in Cr. Bail Application No.S-241/2022 submits true copy of case diary issued by 5th Civil Judge and Judicial Magistrate, Larkana (trial court) dated 24.5.2022 which reveals that all the applicants present before the court today have

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surrendered and joined trial proceedings vide Crl. Case No. 106 of 2022, (*Re: State v. Azam alias Muhammad Azam and others*), taken on record.

3. Messrs Safdar Ali G. Bhutto and Farhat Hussain Bugti and the applicants in Bail Application No. S-132 of 2022, in person submits that no such incident as alleged has occurred; however, due to grudge over administrative issue with administration, some hot and harsh words were exchanged therefore, the complainant cooked up instant story. They further submit that per contents of FIR no specific role has been assigned to any of the accused except their general allegation. Besides, the offences with which they have been charged carries maximum punishment up to seven years which does not exceed the limits of prohibitory clause of section 497 Cr.P.C. Hence submit that they being student of said university and looking to their academic carrier grace may be extended to.

4. Learned Additional Prosecutor General for the State does not oppose the bail application.

5. The complainant present in person submits that his counsel is out of station; however, he opposes the bail application.

6. Heard arguments of learned counsel for the applicants, applicants in person as well learned APG and perused the record.

7. Admittedly, there are general allegations against all the accused and no one has been assigned specific role therefore, whose blow was hit to complainant is a question which is yet to be thrashed out by the trial court after recording evidence of their prosecution witnesses. As far as sections applied under the F.I.R are concerned, same carries maximum punishment up to seven years and thus does not exceed the limits of prohibitory clause of section 497 Cr.P.C. The case is being tried by the trial court/ 5th Judicial Magistrate, Larkana where after recording evidence of prosecution witnesses, if, prosecution may succeed to prove its charge against the accused even then punishment of more than three years cannot be visualized. In the circumstances and in view of the factual position, I am of the opinion that case against the applicants require further inquiry within the meaning of subsection 2 of section 497 Cr.P.C. Accordingly, in view of dictum laid down by the Hon'ble Supreme Court in the case of *Muhammad Tanveer v. The State and another* (PLD 2017 Supreme Court 733), instant application is allowed. Interim pre arrest bail already granted to the applicants vide orders dated

16.3.2022, 17.3.2022 and 12.5.2022 is hereby confirmed on same terms and condition.

8. Since the applicants have joined the trial proceedings therefore, are directed to continue their appearance before the trial court without negligence. The trial court is also directed to conclude the trial within shortest possible time under intimation to this court through Additional Registrar of this Court. A copy of order be communicated to trial court through learned Sessions Judge, Larkana, for compliance.

~~JUDGE~~

S.Ashfaq/-