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

Crl. Bail Apnl. No. S- 30 of 2017.

Date of hearing	Order with signature of Judge
06.11.2017.	

1. For orders on office objections.
2. For hearing of bail application.

Mr. Riaz Hussain A. Khoso, Advocate for applicants.

Mr. Sardar Ali Rizvi, D.P.G.

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Through instant application, the applicants Saddam Hussain and Muhammad Bachal have sought their admission to pre arrest bail in Crime No.205/2015, P.S A-Section Thull, District Jacobabad, under Sections 324, 506 (2), 114, 148, 149, 337-H (2) P.P.C.

The pre arrest bail application No.1415/2016 was filed by the applicants before learned Sessions Judge, Jacobabad, but by order dated 09.1.2017, their request was turned down on the ground that they have remained fugitive from law for about a year. Challan of the case has been filed and same is now pending before Court concerned.

Per F.I.R, co-accused Rahib has caused pistol shot to PW Abdul Rasheed, which hit on his right leg, while co-accused Hazar Khan caused pistol shot injury to PW Abdul Rasheed, which hit on his abdomen, however role assigned to applicant Muhammad Bachal is that of only instigation, while only presence of applicant Saddam Hussain has been shown. The motive as shown in the F.I.R is that complainant party of instant case have committed the murder of Imamuddin, the brother of co-accused Hazar and such F.I.R bearing Crime No.59/2013 was registered by applicant Saddam Hussain with P.S A-Section Thull, in which present injured/ PW Abdul Rasheed is shown as nominated accused.

Learned counsel for the applicant submits that the applicants' implication in this case is nothing but outcome of previous grudge over



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F.I.R. No.59/2013 and that case is pending adjudication before 1<sup>st</sup> Additional Sessions Judge, Jacobabad, where complainant party, who are accused therein, instead of proceeding with the case have filed instant case against them, so that they may not depose against them or may surrender their case. He next submitted that participation of applicants/ accused in the alleged crime requires further probe, as specific role of causing pistol shot injuries is assigned to co-accused Rahib and Hazar Khan, who are absconders.

Learned DPG after going through the file has very candidly conceded to the submissions advanced by the learned counsel for the applicants. The complainant though was present on last date of hearing, today he has chosen to remain absent without intimation.

I have heard the learned counsel for applicants as well as learned DPG and gone through the material made available before me on record.

Admittedly, the parties are on strange relations over murderous enmity and the injured/ PW Abdul Rasheed is nominated accused of F.I.R No.59/2013, in which applicant Saddam Hussain is complainant, which is pending adjudication before concerned Court. The malafides on the part of complainant have been established, which is prima ingredient for grant of pre arrest bail, as has been observed by the Hon'ble Supreme Court in its numerous judgments and in this regard reference can be had from the case of Muhammad Arshad v. The State (PLD 2009 S.C 427).

In the circumstances, the applicants have been able to make out a case for grant of pre-arrest bail. Accordingly, instant bail application is allowed. Interim pre-arrest bail already granted to applicants vide Order dated 23.01.2017 is hereby confirmed on same terms and conditions.

JUDGE  
26/11/2017

Ansari/\*