

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

Crl. Bail Appln. No. S- 79 of 2019.

Date of hearing	Order with signature of Judge
21.02.2019.	

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

Mr. Ali Nawaz Ghanghro, Advocate for applicants.
 Mr. Aitbar Ali Bullo, Deputy Prosecutor General.

Muhammad Saleem Jessar, J: Through this bail application, applicants Muhammad Hassan and Muhammad Panah seek pre-arrest bail in Crime No.04/2019, registered with P.S Warah, District Kamber-Shahdadkot @ Kamber, for offences punishable under Sections 324, 148 and 149 P.P.C.

2. The bail application moved by the applicants before the Court of learned 2nd Additional Sessions Judge, Shahdadkot, was declined by means of Order dated 07.02.2019.

3. Per F.I.R, the allegation against applicants is that, on 14.01.2019, they in company of some other co-accused made assault upon complainant party. The applicants Muhammad Hassan and Muhammad Panah are alleged to have fired single shot each on P.W Muhammad Hussain which hit him on his left knee and right foot, respectively. The motive for the alleged incident, as set-out in the F.I.R is previous grudge between the parties over scuffle due to incident of an accident.

4. Learned counsel for applicant mainly contended that, F.I.R is delayed for three days; parties are already inimical towards each other; that alleged injuries sustained by the injured are not on his vital part of body; that there is no repetition of fires by any of the accused, as such applicability of Section 324 P.P.C would be determined at the time of trial. Learned counsel further added that, applicant Muhammad Panah is



having disability of right arm and right leg. He lastly contended that, the applicants have joined the trial and are regularly attending the trial Court and prayed for confirmation of interim pre-arrest bail granted to applicants.

5. Learned D.P.G. appearing for the State opposed grant of bail in favor of the applicants on the ground that they have been nominated in F.I.R with specific role of causing injuries to PW Muhammad Hussain.

6. Record reflects that, the parties are already on strange terms towards each other and the F.I.R is also delayed for three days. The seat of injuries sustained by injured/ PW Muhammad Hussain i.e. knee and foot are not on vital parts of his body, and there is no repetition of fires by the accused persons, though complainant party was completely on their mercy, as such intention of the accused to kill PW Muhammad Hussain requires further probe and question of application of Section 324 P.P.C would be determined at the time of trial. The applicants have already joined the trial and attending the trial Court.

7. Accordingly, in view of above position and the dictum laid down in case of *Master Dur Muhammad and 2 others v. The State* (1994 P.Cr.L.J 1769) the instant application stands allowed. Consequently, interim pre-arrest bail already granted to applicants vide Order dated 11.02.2019, is hereby confirmed on same terms and conditions. However, the complainant/ prosecution would be at liberty to move for cancellation of bail of applicants, if some cogent and extraordinary material comes on record against them. Needless to mention here that, observations made hereinabove are tentative in nature and would not prejudice case of either party at trial.

JUDGE

Ansari/*