

*IN THE HIGH COURT OF SINDH BENCH AT SUKKUR*  
***Crl. Bail Application No.S-252 of 2024.***

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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For hearing of bail application.

Date of hearing     **12.08.2024.**

Mr.    Waqar    Ahmed    Bozdar,    Advocate    for  
applicants/accused.

Mr.    Muhammad    Qayyum    Arain,    Advocate    for  
complainant.

Syed Sardar Ali Shah DPG for State.  
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**ORDER**

Applicants Lal Bux alias Lal and Jalal Khan alias Jalal seek Pre-arrest bail required in Crime No.17/2024 registered at Police Station, Reti for offence under Sections 452, 114, 337A(i), 337A(ii), 337A(iii), 147, 148, 149 PPC.

According to the FIR complainant got landed property on lease which applicant party annoyed and issued him threats. On the day of incident complainant party woke-up on the barking of dogs and on lights of bulbs they saw and identified accused Lal, Jalal (present applicants) Abdul Sattar, Alla Wadhayo and Sarwar entered into the house as asked why they are not leaving the land. Accused Sarwar instigated present applicants/accused Lal and Jalal and accused Abdul Sattar who caused lathi blows to complainant party which they received injuries. Complainant after obtaining letter for treatment went to Taluka Hospital Ubauro and he after getting MLCs reported the matter to Police.

Learned counsel for applicants contends that the incident is reported to be on 31.10.2023, however, the FIR has been lodged on

09.03.2024 as such the severe delay is present in the matter. It is further contended that no complaint also was made during the said period on part of complainant. Learned counsel further contends that witness is admittedly a Hari and interested party in the matter. He further contends that contradictions between mashirnama and medical report and finally contends that the applicants are facing trial and as such bail may be considered relying upon the authority reported as 2020 MLD 1841 relying upon the contradictions as referred therein.

Learned counsel for the complainant, however, contends that the severe injuries are caused to a 70 years old man. He further contends that the subject land is *prima facie* not disputed land rather it is a case to cause eviction by force. He also contends that the accused are specifically nominated with specific role. In respect of delay learned counsel contends that the severe injury was caused and as such the complainant party were requiring medical treatment which caused the delay and said delay has been brought on record.

Learned Additional Prosecutor General supporting the learned counsel for the complainant contends that delay alone is no ground for entertainment of pre-arrest bail. Learned counsel for the applicant in rebuttal submitted copy of bail obtained in respect of co-accused requiring the bail to be entertained on the ground of consistency however restrained himself from showing the required true similarity.

Having heard learned counsels and gone through the record. This being the bail application the same requires a tentative assessment on the part of the Court accordingly. It is observed that in the first place for the entertainment at pre-arrest bail required *malafide* as alleged are not brought on record. On the specific query of the Court, learned counsel for the applicant admitted that the Medical Certificate has not been

challenged. The injuries reported in the matter undoubtedly require forthwith medical treatment and as such and in the such circumstance delay which alone itself is not sufficient is not found liable to be so entertained in adversity. In the said circumstances pre-arrest bail where the present applicants have specifically been nominated with the injury that attracts the punishment of more than Ten years at least the pre-arrest bail application is not found liable to be entertained in the circumstances. Accordingly, order dated 30.04.2024 is recalled and bail application is dismissed. Applicant is directed to surrender himself before the trial Court and face the trial.

Needless to mention here that observations made herein above are tentative in nature and trial Court may not be influenced of the same and decide the case on its merits.

Bail application stands disposed of in the above terms.

**J U D G E**

*Ihsan/PS*