

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Crl. Bail Application No.S-450 of 2024.

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

Date of hearing **20.09.2024.**

Mr. Abdul Raheem Mahar, Advocate for
applicants/accused.

Mr. Naeemuddin Z. Kasimi, Advocate for complainant.

Syed Sardar Ali Shah DPG for State.

ORDER

In this bail application applicants Ghulam Qadir, Muhammad Ramzan @ Ramzan, Haroon @ Muhammad Haroon and Rashid Ali seek Pre-arrest bail in Crime No.111/2024 registered at Police Station, Bhirya City for offence under Sections 457, 324, 114, 147, 148 PPC.

Concisely and specifically in the FIR lodged by complainant Shaman Ali at Police Station Bhirya City stating that in the night time they saw and identified applicants/accused armed with deadly weapons out of whom accused Ghulam Qadir instigated others to commit their murder and in his instigation accused Muhammad Ramzan made straight fire upon his brother Waqar Ali hit hit on his left knee and he became serious injured. Whereafter all the accused made their escape good. Complainant brought injured at Police Station, obtain letter for medical treatment and later he got FIR lodged at Police Station.

Learned counsel for applicants contends that there is eight days delay in lodging of the FIR; that the incident as reported in odd hours whereby the whole family of the applicants relatives *inter se* have been roped in. It is further contended that the interim challan does not show

any recovery even the alleged empties are not shown to have been acquired and so mentioned in the relevant column. He further contends that in similar circumstances in Crl. Bail application No.S-463 of 2024 this Court had entertained bail application whereas the present applicants have a better footing. It is further contended that the applicants are regularly attending the Court and as final challan having been submitted the applicants are no longer required and bail accordingly is liable to be considered.

Learned Additional Prosecutor General, however, contends that the recovery of empties has been made from the spot which are duly recorded by memo of recovery. It is also contended that the said element has also been shown in the final challan. Learned Addl.P.G, however, considering the merits concedes to the entertainment bail for the applicants other than Muhammad Ramzan alias Ramzan against whom allegation is present as to active role.

Learned counsel for the complainant, however, contends that the delay as relied upon is duly explained in the FIR as the injured were first taken to the hospital and the intera-city travelling required is presently duly brought-up and shown therein. It is also contended that the role of instigator Ghulam Qadir has been brought-up and the overt acts having done on the instigation all the persons named in the FIR are equally responsible as they are said to be present. He also contends that final challan has been submitted wherein recovery made has been shown and that the offences carry punishment of seven years. The three injuries caused to the by way of firing had handicapped the injured and it not possible for the injured to effect his own independent movement.

Learned counsel for applicants in rebuttal contends that the delay is not liable to be entertained as the same was not on account of reference by the Police Station.

Having heard the learned counsels and gone through the record whereby although all the applicants have been nominated in the FIR, the injuries in question is primarily attributed to Muhammad Ramzan which is also supported by medical record. This Court required to make a tentative assessment only the other applicants except said Muhammad Ramzan is found to have made out a case of further inquiry as such the applicants Ghulam Qadir, Haroon alias Muhammad Haroon, Rashid Ali and Punhal alias Punhal Khan son of Ghulam Muhammad are allowed the concession of bail. Accordingly, the order dated 04.07.2024 of this Court to the extents to these accused stands confirmed in the said terms however, bail of accused Mohammad Ramzan alias Ramzan is not found available and is dismissed. The interim pre-arrest bail already granted to Mohammad Ramzan alias Ramzan vide order dated 04.07.2024 is hereby recalled.

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 allowed for all the applicants except Muhammad Ramzan and stands disposed of in the above terms.

J U D G E

Ihsan/PS