

ORDER SHEET
IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD.
Cr.Bail Appln:No.S- 250 of 2016

DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing.

18-09-2017

Applicants are present on bail.

Mr. Muhammad Hassan Chandio, advocate for applicants.

Mr. Shahid Ahmed Shaikh, D.P.G.

Complainant Hyder Zaman is present in person.

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ABDUL MAALIK GADDI,J- Applicants/accused are present on interim bail granted to them by this Court vide order dated 08.4.2016. Today this bail application is fixed for confirmation or otherwise.

2. As per contents of FIR on 14.9.2015 at Fajar time, complainant alongwith family members were sleeping in their house when at about 04.00 a.m complainant party saw that Chanesar armed with lathi, Zulfiqar with lathi, Abdul Hameed with lathi, Saindad with lathi, and two unknown accused with weapons entered into the house, who threatened the complainant to get vacate the house, by saying so they starting beating to complainant, meanwhile Mst. Rehmat sister in law intervened to whom Zulfiqar Chandio caused lathi blows, Mst. Seema wife of Sharif intervened to whom accused Abdul Hameed caused lathi blows, on cries of the complainant party other villagers attracted there, the accused with force of weapons kidnapped to Abdul Razak relative of complainant with intention to kill him and on some distance the accused persons said him to vacate land and they will vacate the house by saying so they left him, thereafter complainant took to Mst. Rehmat and Mst. Seema to RHC Kazi Ahmed and after getting treatment went PS and lodged the FIR.
3. It is stated by the learned counsel for applicants that the case against applicants/accused is false and has been registered due to enmity. Besides, according to him in this matter five prosecution witnesses have been examined by the trial court, but none of them has implicated the present applicants/accused in this case.

This fact has been affirmed by the complainant present in court, therefore, he prayed that the interim order already extended in favour of the applicants may be confirmed.

4. Learned D.P.G has recorded no objection.

5. I have given my anxious thought to the contention raised at bar and has gone through the case paper so available before me. It appears from the record that the alleged incident took place on 11.9.2015, but the FIR has been lodged by complainant Hyder Zaman on 05.10.2015 after the delay of about 26 days, for which no satisfactory explanation has been furnished, therefore false implication of the applicants/accused in this case cannot be ruled out and this aspect of the case can be considered by the trial court. It also appears from the record that prior to this incident accused Zulfiquar Ali has also registered an FIR against the complainant party being crime No.211 of 2015 for offence under sections 506/2, 147, 148, 447, 337-H(ii) PPC of PS Qazi Ahmed and this case appears to counter blast of the said case. It also appears from the record that in this matter trial court has examined five prosecution witnesses and according to complainant none has deposed against the applicants/accused. It also appears from the record that trial of the case is about to conclude.

6. In view of the above, the applicants have made out the case for confirmation of bail, therefore the instant bail application is allowed and confirmed the interim pre-arrest bail in favour of applicants passed earlier on same terms and conditions with directions to the applicants/accused to appear before the trial court and face trial.

7. Needless to mention here that the observations made hereinabove are tentative in nature and shall not affect the merits of the case.

JUDGE