

ORDER SHEET  
**IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT HYDERABAD**

Cr. B.A. No. S- 761 of 2017

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<b>DATED</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
25.01.2018	

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For orders on office objection  
For hearing

Mr. Abdul Sattar Gopang, advocate along with applicants  
Mr. Shahzado Saleem Nahiyoon, D.P.G.

**OMAR SIAL, J.**- Applicants Abdul Qadeer & Shahruk Qadeer have sought pre-arrest bail in Crime No. 278 of 2017 registered under Section 506/2, 337-A(i), 337-F(i), 504 & 34 P.P.C at police station Kotri on 11.9.2017. Earlier, the pre-arrest bail applications moved by the applicants before the learned Additional Sessions Judge, Kotri was turned down vide order dated 15.9.2017.

2. Brief facts of the prosecution case as stated by complainant Abdul Khaliq Gopang in aforementioned FIR on are that on 11.09.2017 at about 1800 hours he was standing near the bungalow of Khuda Bux Khaskheli when applicants Abdul Qadeer Gopang (armed with pistol), and applicant Shahrukh Qadeer along with one unknown person (having lathis) came and seriously injured him with lathis while applicant Abdul Qadeer on the show of pistol issued him threats of dire consequences. Thereafter on the intervention of P.Ws Nek Muhammad Gopang and Shahryar Gopang accused persons went away, the complainant then went to police station obtained letter for treatment and lodged the FIR.

3. I have heard learned counsel for the Applicant as well as learned DPG and have examined the available record with their able assistance. None appeared on behalf of the complainant. My observations are as under:-

- i. The offences with which the Applicants are charged are all bailable except that u/s 506(2) P.P.C.
- ii. No recovery has been made.
- iii. At this stage the motive of the Applicants is not clear, in fact a motive for them to come and beat the complainant is not even alleged by the complainant. There appears to be some dispute between the parties (a possible scuffle) which has not been spelt

out in clear terms but which has led to the registration of FIRs by both parties. At this stage, ulterior motive on the part of the complainant cannot be conclusively ruled out.

4. Above are the reasons for my short order of 25-1-2018 in terms of which the interim pre-arrest bail granted to the applicants was confirmed on the same terms and conditions.

JUDGE

karar\_hussain /PS\*