

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Crl. Bail Appln: No. S-677 of 2016.

Parvaiz alias Faiz.Applicant.

Versus.

The State.Respondent.

Mr. Muhammad Hashim Laghari, Advocate for Applicant alongwith the applicant.

Ms. Sana Memon, APG.

Complainant present in person.

Date of hearing and order 27.06.2018.

ORDER

IRSHAD ALI SHAH, J. It is alleged that the applicant with rest of the culprits after forming an unlawful assembly and in prosecution of their common intention, caused fire shot injury to P.W. Ahmed at his left knee joint with intention to commit his murder and then went away by making aerial firing to create harassment, for that the present case was registered.

2. On having been refused pre-arrest bail by the learned trial Court, the applicant has sought for the same from this Court by making the instant bail application under section 498 Cr.P.C.

3. It is contended by the learned counsel for the applicant that he being innocent has been involved in this case falsely by the complainant party due to enmity, there is cross case, the injury is not on vital part of the injured, it was not repeated. By contending so, he sought for pre-arrest bail for the applicant, as he according to him is apprehending his unjustified arrest at the hands of police, which is motivated by the complainant party. In support of his contention, he relied upon the cases of **Sanwan v. The State (2012**

MLD 1956), (2) Badaruddin v. The State (2010 MLD 1052), (3) Saleem Khan v. The State (1999 PCr.LJ 140), (4) Tashif Memon v. The State (2013 MLD 971), (5) Syed Nazar Ali Shah v. The State (2016 YLR 1899), (6) Ahmed Ali v. The State (2011 YLR 1735), (7) Safdar and another v. The State (2011 MLD 1049), (8) Zaheer Ahmed Khan v. The State (2003 SCMR 919) and (9) Dhani Bux alias Dino v. The State (2012 YLR 1615).

4. Complainant has opposed to grant of pre-arrest bail to the applicant by contending that he has actively participated in commission of incident.

5. Learned APG has supported the order of the learned trial Court.

6. I have heard learned counsel for the parties and perused the record.

7. No doubt, the injury to the injured is attributed to the applicant but there could be made no denial to the fact that it is not on vital part of the body of the injured, it was not repeated, which, prima facie indicate that there was hardly an intention on part of the applicant to commit the murder of injured. The 161 Cr.P.C. of the P.Ws. are recorded with delay of about two days to FIR, without any plausible explanation. Parties are already disputed. In that situation, it is rightly being contended by the learned counsel for the applicant that the applicant is entitled to grant of pre-arrest bail, as he is apprehending his arrest at the hands of police, which according to him, is motivated by the complainant party.

9. In view of above while relying upon the case law, which is referred by the learned counsel for the applicant, the interim pre-arrest bail already granted to the applicant is confirmed on same terms and conditions.

10. The instant bail application stands disposed of in above terms.

JUDGE

Shamshad/P.S.