

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**  
Cr. Bail Application No.S-377 of 2013

<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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*FOR HEARING.*

19.09.2017.

*Mr. Muhammad Jamil Ahmed, Advocate for applicants No.1, 2 & 4.*  
*Mr. Mian Taj Muhammad Keerio, Advocate for complainant.*  
*Applicant/accused No.3 Muhammad Shahid is present in person.*  
*Mr. Shahid Ahmed Shaikh, D.P.G.*

**ORDER**

**ABDUL MALIK GADDI, J:-** Applicants/accused namely *Muhammad Shakeel, Ali Sher, Muhammad Shahid and Muhammad Shoukat* are present on interim pre-arrest bail granted to them by this Court vide order dated 17.05.2013. Today, this bail application is fixed for confirmation or otherwise.

2. Precisely stated, per material made available before the Court, on 29.01.2013 at 1815 hours, in front of gate of Sadabahar Marriage Hall, the applicants are said to have arrived and pointed their pistols. Out of whom, applicant Muhammad Shahid fired from pistol carried by him at Muhammad Sabir which caused him injuries at his abdomen and leg etc. One of the applicants namely Muhammad Shoukat made aerial firing at the end. The motive behind the commission of the offence is old enmity.

3. Learned Counsel for the applicants/accused, *inter alia*, contended that the present FIR has been lodged by the complainant on the basis of old enmity that is counter blast of FIR No.159 of 2012 of P.S Market, Hyderabad, for offence under Section 337-F(iii) PPC registered by applicant Muhammad Shahid, who has been implicated in the present case by the complainant. He further submits that the only allegation against accused Muhammad Shahid is that at the time of incident he has fired at P.W Sabir which hit him on his abdomen and the injuries attributed to applicant Muhammad Shahid have not been declared by MLO as dangerous and detrimental to the life of the injured. He further submits that there is absolutely no role being assigned to rest of the applicants in this case. He further submits that the applicants/accused are

appearing before the Trial Court regularly without any substantial progress in the matter.

4. Learned Deputy Prosecutor General assisted by learned Counsel for the complainant has opposed this bail application on the ground that the name of the applicants/accused is appearing in the FIR with specific role. According to him, the present applicants/accused are involved in the commission of the offence, therefore, they are not entitled for concession of bail.

5. I have given my anxious thoughts to the contentions raised at the bar and perused the case papers so made available before me. .

6. It appears from the record that the alleged incident took place on 29.01.2013 and the FIR of the incident was registered on 14.02.2013 after the delay of about 15 days for which no satisfactory explanation has been furnished by the complainant side, as such, on this ground alone false implication of the applicants/accused in this case with due deliberation and consultation cannot be ruled out as this is the crucial and factual point, which could only be determined by the Trial Court during the trial. It appears from the record that there is only allegation against applicant/accused Muhammad Shahid to the effect that at the time of incident he was armed with pistol and he caused pistol fire to P.W Sabir which hit him on his abdomen and the injuries attributed to the applicant Muhammad Shahid have been declared by the MLO as cavity of body Gaiffah which falls under Section 337(d) PPC and the punishment provided under this offence is extended to 10 years, however, the injuries attributed to accused Muhammad Shahid have not been declared by the MLO as dangerous and detrimental to the life of the injured. The allegations against rest of the applicants/accused appear to be general in nature and according to the contents of the FIR they have not played any active role in the commission of the offence. It has also been brought on record that prior to this incident, applicant/accused Muhammad Shahid also registered a case against P.W Sabir being Crime No.159 of 2012 at P.S Market, Hyderabad, thus it appears that there is old enmity in between the parties. It is stated by the learned Counsel for the parties that the parties involved in this case are near relatives to each other, therefore, under these circumstances false implication of the applicants/accused in this case cannot be ruled out. This bail application is pending since 2013 and the applicants/ accused are regularly appearing before this Court as well as Trial

Court without any substantial progress in the matter and in such situation if this bail application is refused at this stage, no fruitful purpose would come out.

7. In view of the above facts and circumstances, I have no hesitation to hold that the applicants/accused have made out a case for their confirmation of bail. I, accordingly confirm this bail application on the same terms and conditions with direction to the applicants/accused to appear before the Trial Court to face the trial regularly. As observed above, the matter pertains to the year 2013, therefore, the Trial Court is directed to expeditiously proceed with the matter and decide the same within a period of 03(three) months after receipt of this order with further direction to avoid any un-necessary adjournment to either side. Compliance report be submitted to this Court through the Additional Registrar.

8. Needless to mention here that the observations made in this bail order are tentative in nature and shall not in any way affect the merits of the case at the trial.

Bail application stands disposed of.

JUDGE

Shahid