

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

Criminal Bail Application No.S-577 of 2020

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection
For hearing of main case.

24.08.2020.

Mr. Muhammad Nawaz B. Jamali, Advocate for applicant.
Mr. Nazar Muhammad Memon, Addl.P.G.
Mr. Ghulamullah Chang, Advocate for complainant.

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RASHIDA ASAD, J: Through this application, the applicant Muhammad Moosa seeks post-arrest bail in Crime No.45/2020 registered at P.S S.F. Rahu for offence under section 23(1)(A) Sindh Arms Act, 2013, after having failed to obtain such relief from the trial court.

2. Brief facts of the case are that on 25.04.2020 at 1200 hours complainant ASI Hadi Bux Rind during interrogation secured 30 bore pistol with magazine containing four live bullets used in the commission of offence u/s 324, 147, 148, 149, 337-H(ii) P.P.C in Crime No. 43/2020 of P.S S.F. Rahu, on the pointation of applicant Muhammad Moosa, who was already in custody in the said crime. The applicant disclosed the pistol to be an unlicensed one, which was sealed along with bullets for ballistic expert's report. Since the applicant committed an offence under section 23(1)(A) Sindh Arms Act, 2013, such F.I.R. was lodged against him.

3. It is, inter alia, contended by learned Counsel for the applicant that the applicant is innocent and has been falsely implicated in this case by the police in collusion with complainant of Crime No.43/2020; that the applicant is nekmard of village and the case property has been foisted upon him in order to compel the villagers to vacate the padd land and to hand over its possession to complainant; that the applicant is aged about 72 years and is

no more required for further investigation; that the mashirs of recovery are interested witnesses; that the applicant is in custody since 23.04.2020; and that the case of applicant requires further inquiry. Lastly he prayed for grant of bail to the applicant.

4. Learned Additional Prosecutor General Sindh as well as Mr. Ghulamullah Chang, Advocate, opposed the grant of bail to the applicant.

5. I have considered submissions of parties and perused material available on record.

6. It appears from the record that the pistol along with magazine containing four live bullets was allegedly recovered on the pointation of applicant, which he allegedly used in the commission of crime No.43/2020, wherein he has been attributed role of direct firing at PW Shahzaib and PW Akbar. Therefore, it would be premature to say that the applicant being innocent has been involved in this case due to enmity. This is offshoot of main case bearing Crime No.43/2020, wherein two persons have been caused injuries by applicant with intention to commit their murder and in that case bail application of the applicant has been dismissed. The applicant has failed to make out a case for grant of bail. Accordingly, this bail application was dismissed by my short order dated 24.08.2020 and these are the reasons for the same.

7. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the trial court while deciding the case of applicant on merits.

JUDGE

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