

**ORDER SHEET
IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**

Crl. B.A. No. 173 of 2016

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE.
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For hearing

08-09-2016

Mr. Mushtaque Ahmed Shahani advocate alongwith applicants.
Mr. Zulfiqar Ali Jatoi, DPG for the State.

Applicants/accused Saeed Ahmed and Naveed Ahmed both bycaste Shaikh seek pre-arrest bail in crime No.14 of 2016 registered at P.S.Newpind, Sukkur for offences under sections 324, 506/2, 489-F, 504, 148, 149 PPC. Previously, they applied for pre-arrest bail before learned Additional Sessions Judge (Hudood), Sukkur, the same was rejected by him vide order dated 17.3.2016, thereafter applicants approached this court.

Brief facts of the prosecution case, as disclosed in the FIR, are that applicant Saeed Ahmed Shaikh is serving in National Bank of Pakistan, Main Branch, Sukkur and he had obtained loan of Rs. 8,50,000/- from the complainant for running business and he had issued cheque of Rs. 400,000/- and another cheque of Rs.4,50,000/- which were dishonoured for want of amount. Thereafter, complainant approached accused Saeed Ahmed. Complainant was called at Qureshi village where accused Saeed Ahmed was present alongwith his brother Naveed Ahmed and 2/3 unknown persons. It is alleged that Saeed Ahmed abused the complainant and fired upon him, but fire was missed. Thereafter, complainant went to P.S and lodged the aforesaid FIR.

During pendency of bail application, complainant filed affidavit and recorded no objection for confirmation of bail to the applicants/accused.

Learned advocate for applicants/accused has contended that it was the case of ineffective firing and section 489-F PPC is less punishable than 10-years. In support of his contention, he relied upon case of Zafar Iqbal v. Muhammad Anwar and others (2009 S C M R 1488).

Learned DPG for the State recorded no objection for confirmation of bail to the applicants/accused.

I am inclined to confirm bail of applicants/accused for the reasons that dispute between applicants/accused and complainant Ganj Ali apparently is of civil nature. Complainant recorded no objection for confirmation of bail to the applicants. Allegations against applicant Saeed Ahmed is that he made ineffective firing. Offence under section 489-F PPC is less punishable than 10-years. Serious mala fide on the part of complainant and police has been alleged.

Keeping in view the circumstances of case while relying upon the above cited authority, I have no hesitation to hold that a case for grant of pre-arrest bail to the applicants/accused is made out. Resultantly, interim pre-arrest bail granted to the applicants/accused by this court is hereby confirmed on same terms and conditions.

Observations made hereinabove are tentative in nature. The trial court shall not be influenced by such observations while deciding the case on merits.

JUDGE