

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH AT KARACHI**

Crl. Bail Application No. 1289 of 2018

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Date Order with signature of Judge

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For hearing of bail application

**14.12.2018**

Syed Saeed Hasan Naqvi, Advocate a/w applicants.  
Mr. Zahoor Shah, DPG for the State.  
Complainant present in person.

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Mooso and Bilawal have sought pre-arrest bail in crime number 29 of 2018 registered under sections 337-F(vi), 337-A(i), 337-L(ii), 114, 504 and 34 P.P.C. at the Ladyun police station in District Sujawal. Earlier, their pre-arrest bail application was dismissed by the learned Additional Sessions Judge, Sujawal on 10-9-2018.

Mohammad Umer lodged the aforementioned F.I.R on 10-8-2018 in which he stated that he and his brother applicant Mooso have a dispute over a tract of land. A month ago i.e. on 10-7-2018 Umer was working on the disputed land with his son Asghar when applicants Mooso and Bilawal appeared with cudgels in their hands. They were accompanied by Hanif and Soomar (both with hatchets). Mooso instigated the others and consequently Hanif hit the complainant with the blunt side of his hatchet whereas Soomar hit Asghar with the blunt side of his hatchet. Mooso hit Asghar on his shoulder with his cudgel whereas Bilawal hit the complainant with his cudgel.

I have heard the learned counsel for the applicants, the complainant in person and the learned D.P.G. My observations are as follows.

This is primarily a quarrel between two brothers and other relatives over a tract of land. There is a one month delay in the filing of the F.I.R. The reason being attributed is that the police declined to lodge an F.I.R. but the same was lodged after an order of the Additional Sessions Judge dated 30-7-2018. There appears to be considerable delay in the lodging of the F.I.R. even after an order had been obtained from the learned judge. False implication and malafide on the part of the complainant cannot be conclusively ruled out at this stage. Offences with which the applicants are charged are either bailable or fall within the non-prohibitory clause of section 497 Cr.P.C. The injury prima facie falling under the ambit of section 337-F(vi) (which is not bailable) is not attributed to the applicants. Common intention will have to be proved after evidence is led.

Above are the reasons for the short order dated 30-10-2018 in terms of which the interim pre-arrest bail granted to the applicants on 11-9-2018 was confirmed on the same terms and conditions.

JUDGHE