



3. On the other hand, learned Addl: Prosecutor General, Sindh duly assisted by learned counsel for the complainant contended that applicants are nominated in the FIR and specific role of firing upon the deceased and injured persons has been attributed to them. During the course of investigation, the injured PWs have fully involved the applicants in their statements recorded under section 161, Cr.P.C, therefore, they sought for dismissal of instant bail application.

4. Heard and perused the record.

5. Admittedly, the occurrence took place in the broad day light; the parties are unknown to each other; specific role of causing fire shot injuries is attributed to the applicants; that the P.Ws have fully involved in the applicants in their statements recorded under Section 161 Cr.P.C. Learned counsel for the applicants has failed to point out any malafide on the part of the complainant or the local police to falsely implicate the applicants in the present case, in absence of any apparent mala fide, the applicants cannot claim extraordinary/equitable concession of pre-arrest bail in a criminal case wherein one person lost his life and two others endured fire shot injuries. No doubt there is delay of about 3½ hours in lodgment of the FIR, but such delay per-se is no ground for grant of bail, if otherwise accused appears to be linked with offence with which he is charged. With regard to false implication of the applicants and plea of alibi with regard to applicant No.2, the same would be resolved by the learned trial court after recording of evidence. Arguments addressed by the learned counsel for the applicants, being part of post-arrest agenda, cannot be attended at pre-arrest bail stage, certainly not a substitute for post arrest bail. Prima facie, there is sufficient material available on the record to connect the applicants to guilt as alleged which entails capital punishment. The case law relied upon by the learned counsel for the applicant is distinguishable from the facts of instant case, hence is not applicable.

6. For the foregoing reasons, the applicants have failed to make out a case for grant of pre-arrest bail, therefore, order granting ad-interim pre-

arrest bail to them is hereby recalled and consequently, instant application is dismissed.

JUDGE

Sajid