

**ORDER SHEET**

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD**

Cr. Bail Application No.S-819 of 2020

---

**DATE**                      **ORDER WITH SIGNATURE OF JUDGE(S)**

---

1. For orders on office objections.
2. For hearing of main case.

25.10.2021.

Mr. Abdul Razzaque Dars, Advocate holds brief on behalf of Mr. Muhammad Hashim Legahri, Advocate for applicants.

Mr. Masood Rasool Babar Memon, Advocate for complainant.

Mr. Shahzado Saleem Nahiyoon, Additional P.G a/w SIP Mutahir Mehdi SHO P.S A-Section Tando Allahyar and ASI Abdul Haleem from P.S A-Section Tando Allahyar.

*ORDER*

MUHAMMAD IQBAL KALHORO, - It is stated in F.I.R that on 07.07.2020 applicant Asad Ali riding on a motorcycle with Zeeshan caused firearm injuries from a pistol to Muhammad Aslam Rind which hit him on his waist and left arm. The injuries as opined by the Medico Legal Officer were through and through.

2. Learned Defence Counsel has chosen to remain absent and Mr. Abdul Razzaque Dars, Advocate holding brief on his behalf has declined to argue the case. I have heard applicants in person so also Counsel for the complainant and learned Additional P.G and perused the case file. It is stated that they have been falsely implicated in this case on the basis of enmity; there is litigation between the parties; there is delay in registration of the F.I.R; the incident took place in thickly populated area but no independent person has been cited as a witness. Learned Counsel for complainant and learned Additional P.G submit that specific role of causing injury to injured has been assigned to applicant Asad Ali, whereas applicant Zesshan driving the motorcycle facilitated him in running away.

3. After hearing the parties and perusing the material available on record, I am of the view that applicants are not entitled to extraordinary concession of pre-arrest bail. Both the applicants have been assigned specific role. Applicant Asad Ali has caused firearm injuries to the complainant's brother namely Muhammad Aslam Rind, whereas applicant Zeeshan facilitated

him by bringing him at the site on Motorcycle and after the incident taking him away from the site. The concession of pre-arrest bail, based on equity is to be extended only to the accused, who has been perceptibly falsely implicated in this case. Here the injuries sustained by the victim are supported by the Medical Certificate as well as by the statements under Section 161 Cr.P.C. No case for pre-arrest bail is made out and resultantly this application is dismissed and the order of interim pre-arrest bail passed by this Court is hereby recalled.

4. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

JUDGE

Shahid

