

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S-873 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objections.
2. For hearing of main case.

25.10.2021.

Mr. Imtiaz Ali Channa, Advocate for applicant alongwith Applicant.

Mr. Muhammad Azhar Arain, Advocate for complainant.

Mr. Shahzado Saleem Nahiyoon, Additional P.G.

O R D E R

MUHAMMAD IQBAL KALHORO, - It is alleged in F.I.R that applicant alongwith co-accused duly armed with DBBL gun arrived at bore machine (water pump) of complainant on 03.08.2021 and on account of alleged previous enmity over the land caused firearm injury to him on lower part of his body. An examination of Medico Legal Officer shows that he has suffered three injuries falling under Section 337-F(iii) PPC and all have been opined to have been caused by firearm.

2. Learned Defence Counsel has pleaded innocence of the applicant on the ground that there is delay in registration of F.I.R; the seat of injuries is lower part of the body, as such, applicability of Section 324 PPC is not attracted. All the accused have been granted bail and the injuries sustained by the injured do not fall within prohibitory clause of Section 497 Cr.P.C. He has relied upon the cases reported as 2011 P.Cr.LJ 361 and 2018 YLR Note 171.

3. On the other hand, learned Additional P.G and learned Counsel for complainant have opposed bail to applicant and stated that he has been assigned specific role of causing firearm injury to the complainant.

4. I have considered submissions of the parties and material available on record. Applicant is stated to be armed with a DBBL gun, and that he straightly fired upon the complainant. The applicability of Section 324 PPC is prima facie attracted and specific role assigned to him is borne out from Medical record. There is nothing to show that he has been implicated in

this case on account of a base motive or mala fide on the part of complainant. The concession of pre-arrest bail is an extraordinary relief which is extendable only to those accused who are falsely implicated in the case which is discernible from the record. Here the facts and circumstances of this case as discussed above do not point out to availability of any such situation.

5. Therefore, I do not find the applicant to be entitled to concession of pre-arrest bail. Consequently this bail application is dismissed and ad-interim pre-arrest bail already granted to him vide order dated 04.10.2021 is recalled.

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

JUDGE

Shahid