

ORDER SHEET
**THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Bail Application No.S-103 of 2022.

DATE ORDER WITH SIGNATURE OF JUDGE

For orders on office objection.
For hearing of main case.

02.09.2022.

Mr. Yaseen Laghari advocate for the applicant.
Ms. Sana Memon, Assistant Prosecutor General, Sindh.
Applicant is present on ad-interim pre-arrest bail.

ORDER

MUHAMMAD IQBAL KALHORO, J:- Applicant alongwith his accomplices named in FIR entered house of complainant on 19.12.2021 at 0100 hours for the purpose of committing theft but inmates of house woke up and resisted. Upon which applicant armed with a pistol fired upon them injuring Wirdhoo Bheel, Soomar Bheel and Menhal Bheel causing them multiple fire arm injuries which have been confirmed by medical evidence.

Learned counsel for applicant has pleaded bail on the ground that the NC (non-cognizable) report of the incident made by the complainant does not disclose names of applicant and other accused; FIR is delayed and applicant has been implicated because of enmity with one Ghulam Abbas Mari. His arguments have been rebutted by learned APG stating that the applicant has been assigned specific role, has caused fire arm injures to three PWs who have supported the case.

The applicant is assigned main role of causing injuries to three PWs from his pistol. No element of malafide appears to be present on the part of complainant to implicate the applicant. Even there is no previous enmity between the parties to be considered as a circumstance influencing the complainant to implicate him in this case. Further, injuries to PWs are confirmed by medical evidence and 161 CrPC statements. No case for extra-ordinary concession of pre-arrest bail is made out. The difference, if any in version in the NC entry and FIR requires deeper

appreciation of the evidence will be undertaken by learned trial Court at the time of trial. Accordingly, the bail application is dismissed and ad-interim pre-arrest bail granted to the applicant vide order 27.01.2022 is hereby recalled.

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

JUDGE

Irfan Ali