

**ORDER SHEET**

IN THE HIGH COURT OF SINDH AT KARACHI  
Cr. Bail Application No. 1469 of 2020

---

Date order with signature of Judge

---

For hearing of bail application.

**30.11.2020**

Mr. Wahid Bux, Advocate a/w applicant.

Mr. Zahoor Shah, DPG.

=====

Omar Sial, J: Muzafar Ali Leghari has sought pre-arrest bail in crime number 248 of 2020 registered under sections 452, 506(2), 504 and 186 P.P.C. at the Sujawal police station. Earlier, his application seeking bail was dismissed by the learned Sessions Judge, Thatta on 24.9.2020.

2. A background to the case is that the aforementioned FIR was lodged on 10.9.2020 by Ajay Kumar alleging therein that on 6.8.2020 while he was in his house the applicant, who is a Darogha in Irrigation Department came and demanded the Ajay Kumar to sign a file regarding a loan. It was alleged that upon the complainant refusal to do so, the applicant pulled out a pistol and threatened him of dire consequences. The applicant has left the premises while abusing the complainant.

3. I have heard the learned counsel for the applicant as well as the learned DPG. The complainant did not effect an appearance despite notice. My observations are as follows.

4. There is no explanation as to why the F.I.R. in this case was lodged after more than a month. There is no evidence on record that the applicant did indeed trespass into the house of the complainant as watchman of the house namely Harab has recorded in his 161 Cr.P.C. statement that he was not present. Investigating Officer recommended that this case be disposed of in 'C' class as there was no evidence that such an incident had occurred however, learned Magistrate did cognizance of the case. There are no details as to which file and for what matter the applicant had approached to the complainant. It also appears that there exists a professional rivalry between the applicant and the complainant which might also be backed by some powerful and influential

personnels. In these circumstance, apart from the case of being one of further inquiry, malafide on the part of the complainant at this stage in filing this case cannot be conclusively ruled out.

5. The above are the reasons for my short order dated 27.11.2020.

JUDGE