

ORDER SHEET
IN THE HIGH COURT OF SINDH KARACHI

Crl. Bail Application No. 2477 of 2022

DATE

ORDER WITH SIGNATURE OF JUDGES

For hearing of bail application.

14-02-2023

Mr. Muhammad Islam Leghari, Advocate a/w all applicants.

Mr. Muhammad Yousuf Narejo, Advocate for complainant.

Ms. Robina Qadir, Addl.P.G.

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Omar Sial, J: Ghulam Rasool Shaikh, Saddam Hussain, Usman, Ibrahim and Ali Asghar have sought pre-arrest bail in crime number 189 of 2022 registered under sections 379, 504 and 34 P.P.C. at the Sujawal police station. Earlier, their application seeking bail was dismissed by the learned Additional Sessions Judge, Sujawal on 09.12.2022.

2. A background to the case is that one Yaqoob on 18.10.2022 lodged the aforementioned F.I.R. for an offence that had occurred the previous day. Yaqoob reported that he had harvested a crop of rice which he saw on 16.10.2022. On 17.10.2022 when he was going towards his land he saw that the 5 applicants were walking with rice, which the complainant alleged had been taken from his land.

3. The learned counsel for the complainant has been unable to identify how much rice was stolen and as a matter of fact the area of the land from which it was stolen. I find it unusual that the 4 boys, who are poorer than the poor would take away the entire crop of land from a substantial area in their hands. No recovery has been effected although it is alleged that the boys were taking the rice in their hands when caught. I cannot at this stage eliminate malafide on the part of the complainant as it appears that the applicants had filed a case F.I.R. No. 25 of 2020 against certain persons on whose behest it is alleged that this false case was filed. Indeed the facts in

the F.I.R. and the resultant investigation itself makes the case against the applicants one of further inquiry.

4. Above are the reasons for the short order dated 9-2-2023.

JUDGE