

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S- 871 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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27.10.2023.

Mr. Imam Ali Chang, Advocate for applicants alongwith applicants (on bail).

Ms. Sana Memon, A.P.G for State.

Mr. Pervez Ali Channa, Advocate for complainant.

ORDER

Mohammad Karim Khan Agha, J.- The applicants Jan Muhammad alias Janu and Pasand Ali Talpur have been booked in Crime No.163/2023 registered at Police Station Husri / Pabban, Hyderabad in respect of the offences u/s 324, 506, 504, 147, 148, 149, 337-A(i), 337-A(ii), 337-F(i) PPC. They had approached the learned trial Court for pre-arrest bail which was declined vide order dated 08.08.2023 hence the applicants have approached this Court for same relief.

2. Precise facts of the prosecution case are that on 19.07.2023 at about 0800 a.m, accused Jan Muhammad alias Janu, Arbab Ali Talpur, Mashooque Talpur, Pasand Ali Talpur, Mohsin Talpur, Bajar and Ibrahim Talpur on the agricultural land of Fazal Punjabi, Husri/Pabban while armed with Datro, lathi and hatchets arrived and with the intention to kill, accused Jan Muhammad alias Janu and Pasand Ali Talpur have caused an injury on the head of Bilawal (Cousin of complainant) and the other accused have also

beaten to him with hatchets and lathies, consequently leaving behind threats for dire consequences.

After the incident injured Bilawal was brought to police station where from he obtained letter to MLO and then he received necessary medical treatment from the hospital, hence, this F.I.R No.163/2023 was recorded.

3. I have heard the arguments of learned counsel for the parties and perused the record.

4. It is evident that each party has filed criminal cases against each other. The motive behind the attack in this case by accused Jan Muhammad and Pasan Ali and others appears to be to encourage their other relatives to withdraw the FIR which the complainant side had earlier lodged against the applicants and others. The applicants have been nominated in FIR with specific role of causing injuries on the head of Bilawal (cousin of complainant) by hitting him with various weapons. The injuries to PW Bilawal are supported by medical report and the incident is also supported by S. 161 Cr.P.C statements of PWs Mukhtiar Ali and Muhammad Juman. It appears that any delay in lodging of FIR has been explained as the complainant had filed an application before the Justice of Peace for orders to get his FIR registered which he did upon receiving such orders. There does not appear to be any malafide on the part of complainant in this case. The offences for which the applicants have been charged are non-bailable and fall within the prohibitory clause and there is sufficient material on record to connect the applicants to the commission of the offence.

5. Based on the above discussion the applicants have not made out a case for pre-arrest which is accordingly dismissed and the interim pre-arrest bail already granted to them is hereby recalled with immediate effect. The applicants are directed to surrender before the concerned trial Court, failing which the I.O of PS Husri / Pabban shall take the applicants into custody. A copy of this order shall be sent to SSP Hyderabad for compliance.

6. Needless to mention here that the observations made hereinabove are tentative in nature and will not prejudice the case of either party at trial.

7. Pre-arrest bail application is disposed of in above terms.

JUDGE

Tufail