

**ORDER SHEET**  
 IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR  
 CrI. Misc. Application No.S-591 of 2022  
 ( *Faiz Muhammad Bhutto & others Vs. The State* )

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For hearing of main case.

**13-11-2023.**

Mr. Shabbir Ali Bozdar, advocate for the applicant.  
 Mr. Mumtaz Ali Naich, advocate for the respondent No.2.  
 Syed Sardar Ali Shah Rizvi, Additional P.G for the State.

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**Irshad Ali Shah, J;** It is alleged by the applicant that the private respondent with rest of the culprits after having formed an unlawful assembly in prosecution of its common object, caused fire shot injuries to complainant Faiz Muhammad, PWs Sagheer Ahmed, Abdul Waheed and Shabbir with intention to commit their murder and then went away by making fires in air to create harassment, for that the present case was registered. On being involved in the present case, the private respondent sought for pre-arrest bail which was granted to him by learned Additional Sessions Judge, Daharki, which is sought to be cancelled by the applicant by way of instant CrI. Misc. Application u/s 497 (5) Cr.P.C.

It is contended by learned counsel for the applicant that the private respondent is named in the FIR with active participation in commission of incident yet has been admitted to pre-arrest bail by learned trial Court without lawful justification; therefore, such concession is to be recalled by this Court in order to meet with the ends of justice.

It is contended by learned APG for the State and learned counsel for the private respondent that the concession of bail has rightly been granted to the private respondent by learned trial Court, which is not liable to be recalled.

Heard arguments and perused the record.

The role attributed to the respondent is only to the extent that he caused fire shot injury to the applicant on his left foot, which is not vital part of his body. On investigation, the private respondent was let of by the police finding him to be innocent. There is dispute between the parties over matrimonial affairs. There is no allegation of misusing the concession of pre-arrest bail on the part of the private respondent. The case has proceeded. In these circumstances, it would be unjustified to recall the concession of pre-arrest bail to the private respondent.

In view of above, the instant Crl. Misc. Application fails and is dismissed accordingly.

**J U D G E**

Nasim/P.A.

