

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**  
Crl. Bail Application No. S- 762 of 2023  
( *Muhammad Bux Mazari Vs. The State*)

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1. For Orders on MA No. 6620/2023 (Ex./ A).
2. For hearing of Bail Application

**22-01-2024**

Mr. Muhammad Tarique Panhwar, advocate for the applicant.  
Mr. Shabbir Ali Bozdar, advocate for the complainant.  
Mr. Shafi Muhammad Mahar, DPG PG for the State.

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**Irshad Ali Shah, J:-** It is alleged that the applicant with rest of the culprits after having formed an unlawful assembly and in prosecution of its common object caused fire shot injuries to PWs Abdul Rasheed and Ali Sher with intention to commit their murder and then went away by committing mischief by setting the sugarcane crop of complainant Yar Ali on fire, for that the present case was registered.

2. The applicant on having been refused pre-arrest bail by learned IIIrd Additional Sessions Judge, Ghotki; has sought for the same from this Court by way of instant Crl. Bail Application under section 498-A Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant party in order satisfy its dispute over landed property; the FIR of the present case has been lodged with delay of two days; co-accused Mashooq Ali, Zahid and Qadir Bux @ Dadoo have already been admitted to pre-arrest bail by learned trial Court; therefore, the applicant is entitled to be admitted to pre-arrest bail on point of further inquiry and malafide.

4. Learned DPG for the State and learned counsel for the complainant have sought for dismissal of the instant bail application by contending that

the applicant is fully implicated in the commission of the incident of causing fire shot injury to PW Ali Sher at his abdomen. In support of their contention, they relied upon case of *Muhammad Ali Vs. The State and another* (2023 SCMR 1131).

5. Heard arguments and perused the record.

6. The applicant is named in the FIR with specific allegation that he with rest of the culprits after having formed an unlawful assembly and in prosecution of its common object went over to the complainant party; set its sugarcane crop on fire and then caused fire shot injuries to PWs Abdul Rasheed and Ali Sher with intention to commit their murder. The specific role of causing fire shot injury to PW Ali Sher on his abdomen and right thigh is attributed to the applicant. In that situation it would be premature to say that the applicant being innocent has been involved in this case falsely by the complainant party. The delay in lodgment of the FIR is well explained in FIR itself; same even otherwise could not be resolved by this court at this stage. The case of the applicant is distinguishable to that of the co-accused, who have been admitted to pre-arrest bail; they obviously were having little role in commission of the incident. There appear reasonable grounds to believe that the applicant is guilty of the offence, with which he is charged and no case for grant of pre-arrest bail to him applicant is made out; consequently the instant bail application is dismissed together with listed application.

Judge