

Order Sheet

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Bail Appln: No.S-530 of 2023

Cr. Bail Appln: No.S-588 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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For orders on office objection
For hearing of main case

09.10.2023

Applicants Ratno and Vermoon are present on interim bail
Mr. Shakir Ali Talpur advocate for applicants.
Ms. Rameshan Oad, A.P.G. for the State.
Syed Zafar Ali Shah advocate for the complainant.

ZULFIQAR ALI SANGI, J:- By this common order, I intend to dispose of Cr. Bail application No.S-530/23 filed u/s 498 Cr.P.C. on behalf of applicants Ratno, Veer Moo seeking pre-arrest bail and Cr. Bail Application No.S-588 of 2023 filed under section 497 Cr.P.C. on behalf of applicants namely Misri, Mukesh and Kirshan, seeking post arrest bail in Crime No.182 of 2022, registered at PS Tando Ghulam Ali for offences under sections 324, 337-A(i)(ii), 337-F(i)(v) 337-L(ii) and 504, PPC. After their bail was declined by learned trial Court vide order dated 10.03.2023.

2. Since` the facts of the prosecution case are already mentioned in F.I.R as well impugned order, therefore, there is no need to reproduce the same.

3. Learned counsel for applicants submits that applicants being innocent have been falsely implicated in this case by the complainant due to dispute over lease land; that there are counter cases between the parties, although the FIR of applicant Ratno has not been lodged promptly due to illegal approach of complainant of present case, therefore, at this initial stage it cannot be said that which party is aggressor and which party has been aggressed; that all the accused of counter Crime No.06/23, who are complainant and PWs of present crime have been granted bail by the learned trial Court. He next contended that in view of above circumstances, the applicants are entitled for grant of bail.

4. On the other hand, learned counsel for complainant has vehemently opposed the grant of bail to the applicants in Cr. Bail Application No.S-588/23 and confirmation of interim bail to the applicants Ratno and Vermoon on the grounds that they are nominated in the FIR with specific role of causing injuries to the complainant party.

5. Learned A.P.G appearing on behalf of the State half heartedly opposed the grant of bail to the applicants and conceded that the accused of counter case No.06/2023 have already been granted bail by the learned trial Court.

5. Heard and perused the available record with their able assistance.

6. It is an admitted position that there is dispute between the parties over petty matter i.e. **"leased land"** and there are counter cases lodged by both the parties against each other, in which, both parties have also sustained injuries during sudden fight with each other at the same place of incident, therefore, it cannot safely be said at this stage that which party is aggressor and which party was aggressed upon, this aspect of the case will be thrashed out after recording evidence of both the parties before the trial Court. It is observed that the offences with which the applicants are charged does not fall within the prohibitory clause of section 497, Cr.P.C and both cases have already been challaned before the competent Court of law. The accused/applicants, who are present on interim bail, are attending the trial Court regularly and there is nothing on record to show that they misused the concession of bail and are no more required by the police for further investigation. At bail stage, only tentative assessment is to be made.

7. In view of above reasons and circumstances of the case, I am of the considered view that applicants have made out a case of further inquiry entitling them for confirmation of interim pre-arrest bail so also applicants, who are in custody since their arrest. Resultantly the instant bail applications are allowed and ad-interim pre-arrest bail earlier granted to the applicants Ratno and Vermoon vide order dated 29.05.2023 is hereby confirmed on the same terms and conditions,

while applicants namely Misri, Mukesh and Kirshan are also admitted to bail subject to their furnishing solvent surety in the sum of Rs.50,000/-(rupees fifty thousand) each and PR bonds in the like amount to the satisfaction of learned trial Court.

8. The applicants, who are present on interim bail has been confirmed as above as well as co-accused, are directed to attend the learned Trial Court regularly if they fail to appear, the Trial Court would be at liberty to take action against them in accordance with law.

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

10. Both these bail applications stand disposed of in the above terms.

JUDGE