

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-593 of 2024
Criminal Bail Application No.S-594 of 2024
Criminal Bail Application No.S-595 of 2024
Criminal Bail Application No.S-596 of 2024

DATE **ORDER WITH SIGNATURE OF JUDGE**

03.09.2024

Mr. Irfan Ali Soomro, Advocate for applicants.

Mr. Mashooque Ali Bhurgri, Advocate for complainant Nizamuddin.

Ms. Rameshan Oad, Assistant Prosecutor General, Sindh along-with ASI Najamuddin
PS Taluka Tando Muhammad Khan.

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O R D E R

ZULFIQAR ALI SANGI, J:- Since the captioned matters are related to one and same crime having its off-shoot case(s) and even the parties are same therein, hence these are being decided together with this single order.

Applicant Murtaza (Ghulam Murtaza) in [Criminal Bail Application No.S-593 of 2024] seeks his pre-arrest bail while applicants Abdul Raheem and Ali Raza in [Criminal Bail Application No.S-595 of 2024] are praying to admit them on post arrest bail in one FIR No.47 of 2024 registered under sections 324, 506/2, 447, 147, 148 and 149 P.P.C at PS Taluka Tando Muhammad Khan as well as they are also involved in off-shoot cases bearing Crime No.48 & 49 of 2024 both registered under section 23 (i) (a) Sindh Arms Act 2013 at PS Taluka Tando Muhammad Khan after their respective bail were declined by the learned Trial Court vide separate orders dated 27.05.2024.

The case of prosecution is that accused persons had assaulted upon the complainant party by firing from their respective weapons but luckily they saved their lives by lying on the ground and after two days when they were arrested recovery of firearm arms weapons were effected from them, hence they were booked in the aforesaid cases.

The bail plea is sought on the ground that though from a short distance applicants are alleged to have fired upon the complainant party of main case with lethal weapons but none of them received single injury, therefore, section 324 PPC cannot be attributed and question regarding whether recovery has been effected or foisted by the complainant due admitted enmity is in between the parties requires evidence at trial, therefore, counsel prays for confirmation / grant of bail.

The bail applications are opposed by counsel for complainant Nizamuddin and learned APG on the ground that applicants are nominated in the FIR; that they fired upon the complainant party of main case and the recovery of empties were effected from the place of incident with positive report of recovered weapons, therefore, they are not entitled for confirmation / grant of bail.

Heard learned counsel for the respective parties and perused the record.

Perusal of record it reflects that though the applicants' party has fired from their lethal weapons upon complainant party but none of them received any injury. The contents of FIR itself reflects that complainant himself admitted that he registered the FIR after being consulted with others, therefore, false implication of the present applicants cannot be ruled out. In absence of any injury to the complainant party the positive FSL report is not helpful to the prosecution's case however question of recovery is to be decided by the learned Trial Court after recording evidence. At this stage case of applicants requires further inquiry entitling them for confirmation / grant of bail, therefore, all the bail applications are allowed. Interim pre-arrest bail earlier granted to applicant Murtaza (Ghulam Murtaza) in [Criminal Bail Application No.S-593 of 2024 vide order dated 31.05.2024 is hereby confirmed on same terms and conditions. The applicants/accused Abdul Raheem and Ali Raza are admitted to post-arrest bail in [Criminal Bail Application No.S-594, 595 & 596 of 2024] subject to their furnishing solvent surety in the sum of Rs.30,000/- each in each case separately and P.R. bonds in the like amount to the satisfaction of learned Trial Court.

Needless to mention here that observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of either party at trial.

*Muhammad Danish**

JUDGE