

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-904 of 2024

DATE ORDER WITH SIGNATURE OF JUDGE

26.09.2024

Mr. Ghulam Shabbir Mari advocate along with applicant present on bail.
Ms. Rameshan Oad, A.P.G.

ZULFIQAR ALI SANGI, J.- Applicant seeks pre-arrest bail in Crime No.24/2024 registered at PS Sekhat U/s 324, 504, 337-F(iii) PPC after his bail was declined by the learned Additional Sessions Judge/Model Criminal Trial Court Matiari vide order dated 29.06.2024.

2. The contents of FIR need not to be reproduced as the same are already mentioned in the memo of bail application.

3. Bail is sought on the ground that there appears 75 days' delay in registration of FIR; that prior to present FIR, F.C. Suit No.48 of 2023 was filed so also FIR No.33 of 2021 and FIR No.30/2024 have been registered by the applicant party against the complainant party and the fire so made by applicant was in defence; that the enmity between the parties is admitted, therefore, interim pre-arrest bail of applicant may be confirmed.

4. Bail is opposed by learned APG on the ground that applicant is nominated in FIR with specific role of firing from his pistol upon injured Ameen Muhammad on vital part which is supported by medical evidence; that the delay has been plausibly explained by the complainant, therefore, the applicant is not entitled for pre-arrest bail.

5. Heard learned counsel for the applicant, APG and perused the material available on record with their able assistance.

6. Though there is delay in registration of FIR; however, the injured had appeared promptly at Police Station from where he was referred for medical treatment and certificate. **The fire made by applicant hit to injured Ameen Muhammad on his chest, the same is vital part.** Besides, section 324 PPC provides punishment upto 10 years and in respect of the injury declared by the doctor there appears an additional punishment of 5 years. The medical certificate is supporting the case of prosecution and the injured is also supporting the case in his statement u/s 161 Cr.P.C. No mala fide on the part of complainant has been

pointed out. **The fire upon the injured is admitted by taking the plea that it was fired in defence.**

7. No malafide on the part of complainant or the investigating officer is visible in the instant case. There appears sufficient material available on record which connects the applicant with the commission of offence. Under such circumstances, at this stage the applicant has failed to make out a case of confirmation of the bail, therefore, bail application is dismissed and the interim pre-arrest bail granted to the applicant vide order dated 13.08.2024 is hereby recalled.

8. The observations made hereinabove are tentative in nature only for the purpose of deciding the instant bail application, which shall not, in any manner, influence the learned Trial Court at the time of final decision of the subject case.

Ali Haider

JUDGE