

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Crl. Bail Application No.S-877 of 2023

DATE OF HEARING	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on M.A. No.7446/23.
2. For hearing of bail application.

Date of hearing 27.02.2024.

Mr. Rashid Ali Sindhu, Advocate for applicant.
Mr. Shabir Ali Bozdar, Advocate for complainant.
Mr. Aftab Ahmed Shar, Addl.P.G for State.

ORDER

ZULFIQAR ALI SANGI, J; Through aforesaid bail application, applicants Muhammad Hassan, Daleel, Siyano and Allah Rakhiyo seek their Pre-arrest bail in Crime No.116/2023 registered at Police Station, Wasti Jeewan Shah for offence punishable under Sections 395, 397 PPC after their bail was declined by Additional Sessions Judge/MCTC, Ubauro vide order dated 02.12.2023.

2. Facts of the case are mentioned in the FIR and copy whereof is attached with bail application therefore, there is no need to re-produce the same.

3. Learned Counsel for applicants contends that the applicants have falsely been involved in this case due to enmity over Karo Kari as well as landed property; there is other false FIRs lodged by complainant party against present applicants; that actually the dispute arose between parties over landed property however, the complainant party involved the applicants in this case falsely; that medical evidence is inconsistent with ocular testimony hence, false implication of applicants/accused cannot be ruled out; that case does not fall within the ambit of Section 497 Cr.P.C. He prayed for confirmation of bail.

4. Mr. Aftab Ahmed Shar, learned Additional Prosecutor General assisted by Mr. Shabir Ali Bozdar, counsel for complainant opposed the bail application on the ground that the applicants/accused are nominated in the FIR and at the time of incident they armed with Kalashnikovs committed robbery of one buffalo and two goats from the complainant party and also caused Kalashnikov butt injuries to complainant on his head, back and legs which has been fully supported

by the medical evidence which connects applicants with the commission of offence hence, they are not entitled for the confirmation of bail.

5. Heard arguments of learned Counsel for the parties and perused the material available on record with their able assistance.

6. Admittedly, the applicants/accused have been nominated in the F.I.R with specific role of committing robbery of one buffalo and two goats from the complainant party by force of weapons and also caused butt injuries to complainant on his head, back and legs. The medical evidence also support the case of prosecution. P.Ws Hussain Bux and Abdul Rasheed in their 161 Cr.P.C statements have fully supports the version of complainant. **Furthermore, according to the CRO, the applicants are involved in 33 different Criminal cases of robbery, abduction, theft, kidnapping, murder etc.** meaning thereby they are habitual offenders and criminal type of persons having criminal record and now a days the offences of theft, robbery and kidnapping are increasing day by day in the area where the present offence has been committed by the applicant therefore, there is need of deterrence and the offenders are liable to be dealt with Iron hands.

7. Considering the above facts, I am of the view that *prima facie* there appears sufficient material on record which connect the present applicants with the commission of offence. No malafide and ill will for false implication of applicant came on record. CRO reflects that beside complainant party other communities also lodged FIRs against the applicants for similar nature offences. Learned counsel for applicants has failed to make out a case for confirmation of pre-arrest bail. Accordingly, the bail application is dismissed and the interim pre-arrest bail already granted to the applicants/accused named above vide order dated 05.12.2023 is hereby recalled. Let copy of this order be sent to learned trial Court for information.

8. Needless to mention that the observations made hereinabove are tentative in nature and shall not cause prejudice to the right of either party at trial.

Bail application stands disposed of in the above terms.

*Ihsan/**

J U D G E