

**ORDER SHEET**

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Crl. Bail Application No.S-873 of 2023

(Mubark Ujjan Vs. *The State*)

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1. For Orders on office objection.
2. For hearing of Bail Application.

**11-03-2024.**

Mr. Faiz Muhammad Brohi, advocate for the applicant.  
Mr. Abdul Sattar Luhrani, advocate for the complainant.  
Mr. Aftab Ahmed Shar, Additional P.G 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, besides causing hatchet and lathi blows to PW Sain Rakhio, committed murder of Muhammad Usman by causing him hatchet and lathi blows and then went away by insulting complainant Muhammad Ali, for that the present case was registered.

2. The applicant, on having been refused pre-arrest bail by learned Ist Sessions Judge, Naushahro Feroze, 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 in order to satisfy his matrimonial dispute with him; the FIR of the incident has been lodged with delay of about 01 day and role attributed to the applicant in commission of the incident is only to the extent that he caused lathi blow to the deceased on his left leg, which was non-vital part of his body; therefore, he is entitled to be admitted to pre arrest bail on point of further inquiry and malafide.

4. Learned APG for the State and learned counsel for the complainant have opposed to grant of pre-arrest bail to the applicant by contending that he has actively participated in commission of incident by causing lathi blow to the deceased on his left leg.

5. Heard arguments and perused the record.

6. The applicant is named in FIR with an allegation that he with rest of the culprits went over to the complainant party and besides causing lathi and hatchet blows to PW Sain Rakhio, committed murder of the deceased by causing him hatchet and lathi blows. The specific role of causing of lathi blow to the deceased on his left leg 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 only to satisfy with him its enmity over matrimonial dispute. The matrimonial dispute between the parties may be there but it may not be a reason for false involvement of the applicant in case like the present one, wherein one innocent person has lost his life. 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 deceased has lost his life; therefore it would be immaterial to say that the blow caused to him by the applicant was on his non-vital part of his body. 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 on point of further inquiry or malafide is made out.

7. In view of above, the instant bail application is dismissed together with listed application.

**Judge**

