

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD.**

Criminal Bail Application No.S-1372 of 2024

Applicants : Dilshad Ahmed and Muhammad Aamir through Mr. Ghulamullah Chang, Advocate.

Respondent : The State through Mr. Irfan Ali Talpur A.P.G. Sindh along with I.O./ASI Saifullah PS Gulab Laghari.

Complainant : Muhammad Luqman present in person.

Date of hearing : 13.01.2025.

Date of Order : 13.01.2025.

**ORDER.**

**Amjad Ali Sahito, J:-** Through instant bail application, the applicants/accused namely, Dilshad Ahmed and Muhammad Aamir seek pre-arrest bail in Crime No.45/2024, registered at Police Station Gulab Laghari for the offence under section 324, 114, 147, 148, 149, 504, 337-F (i), 337-A (iv), 337-F (vi), 337-L (ii) PPC. Earlier the bail plea of the applicants/accused was declined by the learned 2<sup>nd</sup> Additional Sessions Judge, Badin vide order dated 14.11.2024.

2. The details and particulars of the FIR are already available in the bail application and FIR, the same could be gathered from the copy of the FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Learned counsel for the applicants contends that the applicants are innocent and have falsely been implicated in this case due to enmity. The FIR has been lodged with delay of about 40 days and no plausible explanation has been furnished. He submits that previously the applicant Muhammad Aamir's brother namely Mashooque Ali lodged an FIR being crime No.38/2024 against the complainant party at PS Gulab Laghari; however, after managing the medical certificate, instant FIR has been lodged against the applicants falsely otherwise, in fact the applicants received injuries at the hands of complainant party. He further submits that the *mala fide* on the part of the complainant party is apparent which cannot be ruled out. The case has been challaned. The applicants are no more required for further investigation. Learned counsel, therefore, prays for confirmation of pre-arrest bail to the applicants.

4. On the other hand, learned A.P.G. Sindh submits that names of applicants appears in the FIR with specific role, as such, they are not entitled

for concession of bail. Complainant present in person also vehemently opposes the grant of bail to the applicants.

5. Heard and perused the record.

6. Upon perusal of the record, it appears that there is a delay of approximately 40 days in lodging the FIR and no plausible explanation has been provided for this delay. It is an admitted fact that, prior to the lodging of the instant FIR by the complainant, an FIR bearing Crime No. 38/2024 was lodged by the applicants' party against the complainant party at PS Gulab Laghari, for offences under sections 324, 506(2), 147, 148, 149, 427, 337-A(i), and 337-F(i) PPC. The instant FIR was lodged after the FIR lodged by the applicants' party, therefore, the plea raised by the applicants that the complainant, after managing a medical certificate, has implicated them, cannot be ruled out. Otherwise, *prima facie*, the allegations are general in nature. However, it is yet to be determined at trial, after the recording of evidence from both parties, as to which party was the aggressor and which is aggressed by.

7. Considering the surrounding circumstances of the case, *prima facie*, there appears to be *mala fide* intent on the part of the complainant's party. The investigation has been completed and the applicants are no more required for further investigation. It is also a well-established legal principle that, at the bail stage, only a tentative assessment of the case is to be made.

8. In view of the above facts and circumstances, learned counsel for the applicants has succeeded to make out the case for further inquiry as envisaged in subsection 2 of section 497 Cr.P.C. Consequently, instant criminal bail application is **allowed** and resultantly, interim pre-arrest bail already granted to the applicants is hereby **confirmed** on the same terms and conditions as laid down in the order dated 19.12.2024.

9. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned trial Court while deciding the case of the applicants on merits.

JUDGE