

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

Criminal Bail Application No.S-946 of 2024  
Criminal Bail Application No.S-947 of 2024

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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**26.09.2024**

Mr. Muneer Ahmed Turk, Advocate for applicants.

Mr. Mazhar Ali Laghari, Advocate for complainant in Criminal Bail Application No.S-947 of 2024.

Mr. Irfan Ali Talpur, Assistant Prosecutor General, Sindh.

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**O R D E R**

**ZULFIQAR ALI SANGI, J:-** Through these bail applications, applicant-Ibrahim has sought for post-arrest bail in Crime No.146 of 2024 registered under section 23(i)(A), 25 Sindh Arms Act 2013. He alongside another applicant-Abdul Ghafoor also seeking release in FIR No.138 of 2024 for offence under section 392 and 34 registered at one and same PS S.F Rahu, after dismissal of their bail plea by the learned Sessions Judge, Badin vide two separate order dated 19.08.2024, hence they approached this Court. Since both cases are inter-connected, therefore, common order is being passed.

2. The crux of the FIR's allegation is that when complainant-Muhammad Waseem Kamboh relating to FIR No.138 of 2024 was visiting the land of Muhammad Mansha Kamboh there he found presence of present applicants and their accomplice Shahzado who on the show of weapons robbed him from motorcycle hence instant FIR has been registered against them.

3. The bail has been sought by the counsel for applicants on the ground that there is delay in registration of FIR; that incident is night time, therefore, identification of present applicants is doubtful; that recovery of motorcycle and pistol has been foisted upon applicant-Ibrahim, therefore, they are entitled for grant of bail. He has relied upon the case of Nakeef Vs. The State [2021 YLR Note 104] and Muhammad Raees Vs. The State [2020 P Cr. L J Note 199].

4. The bail plea has been opposed by learned counsel for complainant-Muhammad Waseem Kamboh as well as the learned APG on the ground that applicants are nominated in the FIR with specific role and further recovery of motorbike and pistol has been effected from applicant-Ibrahim, therefore, sufficient material available against the applicants which connect them with the commission of alleged offence, therefore, they are not entitled for grant of bail. Complainant's counsel places reliance on the cases of Muhammad Aneeq Vs. The State [2012 MLD 581] and Aqeeb Ali Mehmood Vs. The State and another [2017 P Cr. L J Note 129].

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

6. From perusal of record it reflects that applicants are nominated in FIR with specific role that they have snatched the motorbike from complainant-Muhammad Waseem Kamboh and he being resident of same vicinity has rightly identified them. After arrest from applicant-Ibrahim recovery of motorbike belonging to the said complainant and a pistol alleged to have been used

in the commission of offence was effected. The cases like involving snatching of motorbikes, mobile phones and other valuable articles are increasing day to day in the vicinity where the applicants are residing, therefore, there is need of some deterrence. Nomenclature in FIR coupled with the recovery of articles connect present applicants with the commission of alleged offence, therefore, they are not entitled for grant of bail, result thereof, instant Criminal Bail Applications are dismissed.

7. The observations made hereinabove are tentative and would not influence the learned Trial Court at the time of deciding the case as the same are only for deciding these bail applications.

*Muhammad Danish\**

JUDGE

**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

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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**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