

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

Criminal Bail Application No.S-966 of 2024

DATE

ORDER WITH SIGNATURE OF JUDGE

04.10.2024

Applicants present on bail.
Mr. Muzaffar Hussain Brohi, Advocate for applicants.
Mr. Shewak Rathore, Deputy Prosecutor General, Sindh.
Complainant present in person.

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Applicants Dodo Halepoto and others seek pre-arrest bail in FIR No.253 of 2024 registered under sections 324, 337-H(ii), 506/2, 504, 147, 148 and 149 P.P.C at PS Tando Muhammad Khan after their earlier bail for same relief was declined by the learned Additional Sessions Judge-I Tando Muhammad Khan vide impugned order dated 29.08.2024, hence this bail application.

The crux of the FIR is that applicants after having formed an unlawful assembly and in prosecution of their common object not only fired upon complainant party with intention to commit their murder in order to satisfy enmity between Kolhi community with them but also issued them threats of dire consequences and then went away by boarding on motorcycles, hence the FIR.

The bail has been sought on the ground that though as alleged in the FIR that applicants party fired upon the complainant party; however, they have not received any injury. Furthermore the conduct of complainant is also doubtful as has been involved in case of Gutka and Mainpuri.

Complainant present in person submits that applicants are not entitled for confirmation of their bail on the ground that they are still issuing threats for withdrawal of case.

DPG opposed the bail plea on the ground that section 324 PPC is mentioned in the FIR which is punishable upto 10 years.

Heard learned counsel for the parties (including complainant in person) and perused the material available on the record.

It reflects that no injury has been received by the complainant party to substantiate allegations mentioned in the FIR; however, the applicability of section 324 PPC is yet to be decided by the Trial Court after recording evidence and bail applications are to be decided tentatively. Furthermore, counsel for applicants has also placed on record copy of FIR No.261 of 2021 showing the conduct of complainant being involved in Gutka & Mainpuri case. On tentative assessment the applicants have made out their case as one of further inquiry, therefore, the bail application is allowed, result thereof, pre-arrest bail already granted to the applicants vide order dated 02.09.2024 is confirmed on the same terms and conditions.

Needless to mention that above observations are tentative in nature only to decide instant bail application and same would not prejudice case of either party at trial.

JUDGE

Muhammad Danish *