

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

Criminal Bail Application No. S- 1040 of 2024

30.09.2024.

Mr. Khadim Hussain Talpur, Advocate for applicant.

Ms. Sana Memon, A.P.G for State along with I.O. / Inspector
Muhammad Yaseen

ORDER

ZAFAR AHMED RAJPUT, J.- Having been rejected his earlier Cr. Bail Application bearing No.986 of 2024 for grant of post-arrest bail by the learned Additional Sessions Judge, Matli, vide order dated 29.06.2024, applicant/accused, Tameer Ali s/o Zakir Ali, through instant Cr. Bail Application seeks the same concession in Crime No.126/2024, registered at P. S. Matli for offences under sections 324, 353, 427, 147, 148, 149, 109, 337-A(i), P.P.C.

2. It is alleged that, on 12.06.2024, at about 1730 hours, a police party headed by Inspector Shahjahan Lashari, Incharge CIA, Badin (*complainant*) during course of patrolling arrested accused Zafran Ali Chhalgri from outside his house on being found in possession of 1045 grams charas and one unlicensed Kalashnikov, to which he loudly shouted. On that, accused (1) Ameer Mukhtair having iron hammer (2) Tameer Ali (*present applicant*) (3) Farman Ali having pistols (4) Wafadar Ali having hatchet (5) Iraq Ali Chhalgri (6) Dill Mallah (7) Assu Mallah having sticks and 5/6 unknown persons having sticks and hatchets came from neighbors. They, on the instigation of accused Zafran Ali, assaulted on and deterred the police

party from discharging their lawful duties. Accused Tameer Ali made straight fire with his pistol on driving seat with intention to commit murder of driver WPC Ali Hassan; the bullet broke the side mirror and the pieces thereof hit him on his cheek and right hand. Thereafter, police party along with arrested accused and recovered case property came at police station where said complainant lodged the aforesaid FIR.

3. Mr. Mir Khadim Hussain Talpur, learned counsel for applicant, contends that applicant is innocent and has falsely been implicated in this case by the complainant due to political rivalry; that alleged place of incident is a thickly populated area and several shops are available there but no independent person of the locality has been cited as mashir; that all the witnesses are police officials and subordinate of complainant; that apparently Section 324 PPC has been misapplied by police; that applicant is not previously convicted or hardened criminal.

4. On the other hand, learned A.P.G opposes the grant of bail on the ground that applicant is named in FIR with specific role.

5. Heard and record perused.

6. The applicant is confined in judicial custody since day of his arrest i.e. 15.06.2024; hence his custody is no more required by the police for further investigation. The offence under sections 353 & 427, P.P.C are bailable. The applicant has been attributed the role of causing firearm injury to WPC Ali Hassan; however, it is an admitted position that there is no MLC on record to establish that the said WPC sustained any injury. It is also an admitted position that there is no report of Inspector Motor

Transport (MT) of Sindh Police showing causing of bullet on the side mirror of police mobile. Under the circumstances, it is yet to be determined as to whether the case of applicant falls within the purview of Section 324 P.P.C. or not, which is to be decided at the time of trial by the trial Court. Hence, the case of accused calls for further enquiry as envisaged under sub-section (2) of Section 497 Cr. P.C.; therefore, he is admitted to post-arrest bail subject to his furnishing solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with P.R. Bond in the like amount to the satisfaction of the trial Court.

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

Criminal Bail Application stands disposed of.

JUDGE

Tufail