

**THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA**

**Criminal Bail No.S-476 of 2024**

Applicants: 1. Muhammad Alam, son of Muhammad Mureed.  
2. Mehboob, son of Muhammad Alam  
3. Shahid alias Shahid Hussain, son of Muhammad Alam,  
all by caste Chandio.  
Through Mr. Amanullah Luhur, Advocate.

Complainant: Mujahid Ali Jagirani is present in person.

The State: Through Mr. Aitbar Ali Bullo, Deputy Prosecutor General,  
Sindh.

Date of Hearing: 24.10.2024  
Date of Order: 24.10.2024

**ORDER**

**ARBAB ALI HAKRO, J. :-** Through instant Criminal Bail Application, the applicants seek Bail Before Arrest in the case emanating from F.I.R No.131/2024, registered at Police Station Hyderi, District Larkana under Sections 506/2, 114, 427, 337-H(2), 147, 148 P.P.C. Their bail plea has been declined by learned VI-Additional Sessions Judge, Larkana vide Order dated 21.08.2024, hence this bail application.

2. The facts, in a nutshell, are that complainant Mujahid Ali used to sell Shami Kabab on the cart for livelihood, accused Rashid Ali and Muhammad Alam purchased the same on a credit basis, when it became an amount of Rs.2000/- against the accused, complainant demanded the same, but he was refused and threatened by the accused persons. On the day of the incident, applicants/accused, along with other co-accused duly armed with pistols and iron rods, came there; accused Muhammad Alam pointed a pistol at the complainant & instigated others; the accused attacked the complainant and while beating him, issued murderous threats and, by making aerial firing went away. Hence, this F.I.R.

3. Learned counsel has contended that the applicants/accused are innocent and have been falsely implicated by the complainant with malafide intention and ulterior motives; that nothing incriminating has been recovered from the applicants/accused; that all the sections applied in the F.I.R. for which applicants/accused are involved areailable except section

506/2 P.P.C, which does not fall within the prohibitory clause of section 497 Cr.P.C; that the witnesses are police officials and related to each other. Therefore, interim pre-arrest bail granted to the applicants/accused vide Order dated 23.08.2024 may be confirmed on the same terms and conditions.

4. The complainant is present in person and submits that his counsel has not come due to his personal engagement; however, he showed full confidence in the learned Deputy Prosecutor General, Sindh. Learned Deputy Prosecutor General, Sindh has frankly conceded to the grant of bail to the applicants/accused on the ground that all the sections with which the applicants are charged are bailable except section 506/2 P.P.C which too does not fall within the prohibitory clause of section 497 Cr.P.C.

5. Heard learned counsel for the applicants, learned Deputy Prosecutor General Sindh, and perused the material available on record.

6. From the perusal of the record, it appears that all the Sections applied in the FIR are bailable except Section 506/II PPC. It is yet to be determined by the trial Court after recording the evidence of the prosecution witnesses whether the applicants/accused have issued threats to the complainant and witnesses of dire consequences or not. It is also observed that as per contents of the FIR, accused persons were armed with pistols, iron rods and lathies, but it is very strange that not a single scratch was caused to the complainant party. Thus, the case requires further enquiry in terms of subsection (2) of Section 497 Cr.P.C. It is also an admitted fact that there is enmity between the complainant and co-accused Rashid over the amount of Shami Kabab, i.e. Rs.2000/-, whereas the complainant has nominated four accused persons in the FIR, which also makes the case one of further enquiry. Moreover, there is no complaint of misusing the concession of interim pre-arrest bail granted to the applicants.

7. In view of the above, instant Criminal Bail Application is allowed. The interim pre-arrest bail earlier granted to the applicants/accused vide Order dated 23.08.2024 is hereby confirmed on the enhanced surety in the sum of Rs.50,000/- (*Rupees Fifty Thousand only*) each and P.R.Bonds in the like amount to the satisfaction of the Additional Registrar of this Court.

8. Needless to mention, the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of either party at trial.

**Judge**

Manzoor