

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

Criminal Bail Application No.S-867 of 2024

Applicants : Asad, Sheraaz, Arshad, Rashid, Zaffar and Ashfaque Ahmed through Mr. Imtiaz Ali Abbasi, Advocate.

Respondent : The State through Mr. Irfan Ali Talpur A.P.G. Sindh

Complainant : Sheeraz Ali through Mr. Aghis-u-Salam, Advocate.

Date of hearing : 02.12.2024.

Date of Order : 02.12.2024.

**ORDER.**

**Amjad Ali Sahito, J:-** Through instant bail application, the applicants/accused namely, Asad, Sheraaz, Arshad, Rashid, Zaffar and Ashfaque Ahmed seek pre-arrest bail in Crime No.34/2024, registered at Police Station SITE Hyderabad for the offence under sections 337-A (i), 337-A (iii), 337-A (iv), 337-A (vi), 337-F (i), 147, 148, 149, 504, 506 (2) PPC. Earlier the bail plea of the applicants/accused was declined by the learned 7<sup>th</sup> Additional Sessions Judge, Hyderabad vide order dated 23.07.2024.

2. The details of the FIR are included in the bail application and its attached copy, so there is no need to restate them here.

3. Learned counsel for the applicants/accused contends that the applicants/accused are innocent and have falsely been implicated in this case due to enmity; that there was encounter between the parties in which the accused party lodged FIR bearing No.35/2024 against the complainant party, in which the accused have been granted bail. He further contends that the accused have been admitted to bail by this Court in another Criminal Bail Application No.S-874 of 2024 in crime No.83 of 2024 registered at PS Site Hyderabad. He further contends that applicants/accused are attending the Court and they are no more required for investigation. He prays that the applicants/accused are entitled for concession of bail, as such, their interim pre-arrest bail may be confirmed.

4. On the other hand, learned counsel for the complainant and learned A.P.G. Sindh both oppose the grant of bail to the applicants/accused.

5. Heard and perused the record.

6. The record indicates that the accused party appeared at place of incident and attacked upon the complainant party. The applicants/accused

Asad Ali and Arshad caused lathi blows to Aftab on his head and arm respectively, accused Shehriyar caused lathi blow to Muhammad Faheem on his hand, accused Zafar caused lathi blow to the complainant on his hands, accused Sheeraz caused butt of pistol to Dilshad on his nose, accused Shahrukh and Rashid caused lathi blows to Imdad on his head and thereafter all the accused started beating to the complainant party by saying that today they are leaving them and if they talked again, they will commit their murder. The applicants are nominated in the FIR with a specific role in the incident. Ocular account is supported with the medical evidence. At the bail stage, only a tentative assessment is made. At present, there is sufficient evidence available that could connect the applicant/accused to the commission of the offense. There appears to be no *mala fide* in this case. The prosecution has, *prima facie*, provided sufficient evidence to link the applicants to the commission of the offense.

7. So far the plea of the learned counsel that in counter version case, the accused have been granted bail through order dated 29.11.2024, suffice to say that it pertains to crime No.83/2024 whereas present case registered being crime No.35/2024, as such, it has no nexus with the present case.

8. In view of the above facts and circumstances, learned counsel for the applicants/accused has failed 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 **dismissed** and the interim pre-arrest bail granted earlier vide order dated 05.08.2024 is hereby recalled.

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