ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Crl. Bail Appln. No.S-563 of 2017

Date of Hearing	ORDER WITH SIGNATURE OF JUDGE
16.2.2018.	

1. For orders on office objections.
2. For hearing of bail application.

Applicant present on interim pre-arrest bail.

Mr. Abdul Rasheed Abro, Assistant Attorney General along with complainant Syed Arif Hussain Shah, Permanent Way Inspector, Pakistan Railway Larkana.

Applicant Nooral alias Noorul Huda Chandio is seeking pre-arrest bail in Crime No.11/2017 registered at Police Station Railway Larkana, under Section 122-C, Railway Act.

The facts in the FIR show that the applicant by trespassing over the government property has illegally and unauthorizedly constructed his pacca house on railway land @ KM 285/5-6 left side between LRK SNBT stations.

I have heard the applicant, who is present in person as his Counsel is absent and it has been informed that he is on general adjournment but only in the cases fixed by the office, whereas this matter is fixed as a date given by the Court.

Applicant has contended that he has falsely been implicated in this case and he has no concern with the said house.

On the other hand, learned Addl. P.G has argued that there is an overwhelming evidence against the applicant that he has encroached upon the railway land and has built his pacca house over there. The complainant and I.O of the case are present and have submitted that present case was registered against the applicant as a last resort because despite best efforts he refused to vacate the railway land.

I have considered submissions of the parties and perused the record. There is prima facie evidence against the applicant in the shape of several documents and statements of the witnesses under

section 161 Cr.P.C that he has encroached upon the railway land. He has not been able to show that FIR is outcome of any malafide. Complainant is the employee of the Railway Department working as Permanent Way Inspector and has no any motive to falsely implicate the applicant. No case for grant of extraordinary concession of pre-arrest bail is made out. This bail application is, therefore, dismissed.

JUDGE 16/2/2018

Disposed off Matter

(1) For Orders on M.A No. 1334/18 (U/A)

(2) For Orders on M.A No. 1335/18 (561A)

- Accountant Report as flag "B"

20-4-2018.

Applicant/surety Bilawal Pir Bux present in person.

1. Application for an urgent hearing is disposed of.

2. Notice to learned A.A.G. P.G and learned DAG, for 27.4.2018.

Judge.

Disposed off Matter

- For Hg of MA No. 1335/18 (561-A)

- Notice issued to A.P.G & DAG.