

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

Criminal Bail Application No.S-1018 of 2022
Criminal Bail Application No.S-1019 of 2022

DATE	ORDER WITH SIGNATURE OF JUDGE
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25-11-2022

Mr. Farhad Ali Abro advocate for applicants along with applicants present on ad interim pre-arrest bail.

Mr. Ashfaq Ahmad Lanjar advocate for complainant.

Ms. Rameshan Oad, Assistant Prosecutor General Sindh.

MUHAMMAD IQBAL KALHORO, J: - Complainant is real brother of all accused, they however do not see eye to eye with each other over property dispute. Previously accused had lodged an FIR against complainant for murdering their another brother from which case the complainant has been acquitted. In this case, it is alleged that on the day of incident 09.08.2022 near Imam Bargah Ibrahim Shah pir all the applicants came and on the instigation of applicant Ahmed Shah, applicant Asad Shah threw acid from the bottle given to him allegedly by applicant Zulfiqar upon complainant causing burns on his chest. The injury opined by Medico-Legal Officer is under section 337-L (i) PPC punishable upto seven years. The role attributed to the applicant Ghulam Ali is that when applicant Asad Shah was throwing acid he was holding the complainant and applicant Muhammad Ali had pointed out pistol to the complainant. It is clear that the role of causing injuries to the complainant is attributed only against Asad Shah. The role assigned to other accused requires further inquiry and since there is history of enmity between the parties and cases have been registered by parties against each other their entanglement in the present case out of *mala fide* cannot be ruled out. Citing these grounds, learned defense counsel has pleaded for bail, opposed by learned counsel for complainant. Learned A.P.G. has opposed bail only of Asad Shah citing his specific role and has given no objection to the bail of other applicants.

2. I have considered submissions of parties and perused material available on record and agree with the learned A.P.G. Sindh that only role of causing burn injuries is attributed to applicant

Asad Shah and keeping in view the enmity between the parties, complainant throwing a wide net to implicate all his brothers cannot be ruled out. Therefore while dismissing bail application of Asad Shah for his specific role supported by medical evidence, the bail of all other applicants is confirmed on the same terms and condition. Accordingly, interim bail granting order dated 29.09.2022 to the extent of applicant Asad Shah stands recalled.

3. The observations made hereinabove are tentative in nature and shall not influence the trial Court while deciding the case on merits.

All bail applications stand disposed of.

JUDGE

Abdullah Channa/PS