

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

Criminal Bail Application No.S-236 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection.

For hearing of main case.

31.03.2023.

Mr. Meer Ahmed Mangrio advocate for the applicant.
Mr. Muhammad Asif Shaikh advocate for complainant.
Mr. Abdul Waheed Bijarani Assistant Prosecutor General.
Applicant is present on ad-interim pre-arrest bail.
Complainant is present in person.

ORDER

MUHAMMAD IQBAL KALHORO, J:- On 05.02.2023 when complainant was celebrating birthday of Hazrat Ali (R.A.) outside of his house situated near Salahuddin Chowk, Dadan Shah Muhallah Hyderabad, applicant Muhammad Taha and Zaheer got annoyed and started firing from pistols they were armed with targeting the complainant but instead hitting one Osama on his left hip and one Ayaz aged about 11 years on his left thigh critically injuring them. The FIR was registered on the same day whereafter the applicant applied for pre-arrest bail before the trial Court but the same has been dismissed by the trial Court vide order dated 13.03.2023.

Learned counsel for the applicant states that only general allegations have been leveled against the applicant and co-accused; the intention to commit murder of the complainant is yet to be determined.

On the other hand, learned counsel for complainant and APG have opposed bail stating that the applicant has been assigned specific role of firing at the complainant party injuring critically two innocent persons.

I have considered arguments of both the parties and perused material available on record. In my view, section 324 PPC is prima facie attracted, role assigned to the applicant that he was armed with a pistol, fired directly upon complainant party along with co accused and injured critically two persons is prima facie

established from the medical record as well. No malafide on the parties of complainant is available on record which may have been a reason to implicate the applicant falsely. Prima facie the case is made out against the applicant and he is not entitled to concession of pre-arrest bail which is an extra-ordinary relief extendable to a person who on the face of record has been falsely implicated in a case which is not the case here as the fact and circumstances as stated above show. Accordingly, the criminal bail application is dismissed. Consequently, ad-interim pre-arrest bail granted to the applicant vide order dated 16.03.2032 is hereby recalled. At this juncture learned APG submits that custody of the applicant is required as the Challan has been submitted and he may be sent to jail to face the trial. His request is allowed, the applicant is taken into custody and remanded to Central Jail Hyderabad to be produced before learned trial Court on the date of hearing.

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

These are the reasons of short order dated 31.03.2023.

JUDGE