

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

Criminal Bail Application No.S-535 of 2022.

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objection.
For hearing of main case.

05.09.2022.

Mr. Ahsan Zahoor Baloch advocate for the applicant.
Ms. Sana Memon, Assistant Prosecutor General, Sindh.
Applicant is present on ad-interim pre-arrest bail.

ORDER

MUHAMMAD IQBAL KALHORO, J:- It is alleged that on 20.03.2022 applicant and six other co-accused named in FIR on account of previous enmity on the lands of complainant situated in Village Siddique Jatt, Deh Raja Wah, Taluka Qazi Ahmed assaulted complainant party after making a demand to withdraw a murder case registered against them. In the course, applicant is stated to have fired from 222 Rifle on brother of complainant hitting left side of his belly. He was taken to hospital for medical treatment and necessary certificate has been issued confirming injuries sustained by injured through fire arm weapon.

Applicant's counsel has submitted that there is delay of 24 hours in registration of FIR; there is previous enmity between the parties and cases against each other have been registered by them. The injury sustained by injured is minor in nature and does not correspond with the story stated in the FIR; all the co-accused have been granted bail; medical certificate of injured has been challenged and the case has been Challaned, therefore applicant is no more required for further investigation.

On the other hand learned APG has opposed bail to applicant pointing to prima facie evidence against him.

After hearing the parties and perusing the material available on record, I am of the view that applicant is not entitled to the concession of pre-arrest bail, an extra-ordinary relief meant only to protect innocent persons, falsely implicated in the case by the

complainant on account of base and ulterior motives. Applicant's presence is supported by 161 CrPC statements of witnesses. The allegation against him is verified by medical evidence to boot. A perusal of Challan shows that applicant in investigation simply forwarded a copy of ad-interim pre-arrest bail granting order to I.O. and did not physically join investigation or produced alleged weapon he allegedly was armed with on the day of incident. The argument of alleged contradiction in medical evidence and ocular evidence cannot be appreciated at bail stage as it requires deeper appreciation of evidence. No case for extra-ordinary concession has been made out. Accordingly, the bail application is dismissed and ad-interim pre-arrest bail granted to the applicant vide order 27.04.2022 is hereby recalled.

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

JUDGE

Irfan Ali