

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

Criminal Bail Application No.S-750 of 2022.

DATE	ORDER WITH SIGNATURE OF JUDGE
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	For orders on office objection. For hearing of main case.
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12.09.2022.

Mr. Agha Iftikhar Ahmed advocate for the applicant.
Mr. Imran Ali Abbasi, Assistant Prosecutor General, Sindh.
Mr. Qurban Ali Bhutto advocate for complainant.
Applicant is present on ad-interim pre-arrest bail.

ORDER

MUHAMMAD IQBAL KALHORU, J:- Applicant alongwith other co-accused on 08.06.2022 duly armed with weapons including fire arm over a dispute on landed property waylaid complainant riding on two motorcycles near mango gardens of Ghulam Hyder Kalhoru at Taluka Shahdadpur and after hurling abuses, applicant Ghulam Shabir armed with a Repeater fired upon PW Akhtiar Ali hitting him on his right thigh causing him an injury verified by Medico-Legal Certificate. Apart from Akhtiar Ali, PW Ghulam Mustafa and PW Asif Ali also received injuries at the hands of accused party but those injuries, documented in the certificate, were however caused by hard and blunt substance and are minor in nature.

Learned counsel for the applicant states that applicant is innocent and has been falsely implicated in this case over a dispute already running between the parties; applicant had lodged a direct complaint under Illegal Dispossession Act which is a cause of this FIR; the medical certificate was issued after five days. In order to pressurize the applicant to withdraw a civil case registered by his sister against the complainant, this case has been registered. His arguments have been rebutted by learned counsel for the complainant as well as learned APG.

I have considered submissions and perused the material available on record and of the view that applicant is not entitled to concession of pre-arrest bail. He is specifically nominated in the FIR to have fired at injured, the delay has been properly explained,

as initially injured was taken to hospital in Hyderabad by the complainant and only after return from there he went to Police Station and registered FIR of the incident which he had already given information of and obtained a letter for medical treatment. The injury caused by applicant has been verified by medical evidence; the argument of learned counsel for applicant that injured has not appeared before medical board, without any document showing service upon him, is of no consequence, and cannot be considered at this stage for granting extra-ordinary concession of pre-arrest bail to the applicant. Accordingly, the bail application is dismissed and ad-interim pre-arrest bail granted to the applicant vide order 23.05.2022 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