

Order Sheet
**IN THE HIGH COURT OF SINDH,
CIRCUIT COURT, HYDERABAD**

Cr. Bail Appl. No. S- 139 of 2025
[GhulamRaza and others v. The State]

Applicants : through Mr. Shakir Nawaz Shar, Advocate

Complainant : through Mr. Imam Ali Chang, Advocate

Mr. Irfan Ali Talpur, D.P.G.

Date of Hearing : 24.03.2025

Date of Order :

ORDER

MIRAN MUHAMMAD SHAH, J. Applicants Ghulam Raza, Aamir and Raheel seek post-arrest bail in Crime No. 03 of 2025 registered at Police Station Berani district Sanghar under Sections 395, 427, 506/2, 504, 147, 148, 149, 337-H(ii) & 342 PPC.

2. Brief facts of the case as per FIR are that the Complainant is Supervisor of Maaz Petrol Pump which is owned by one Ameer Ali. The allegations against the present applicants is that they being armed with deadly weapons came along with co-accused at Maaz Petrol Pump beaten the Complainant party and took away a CD 70 Motorcycle, one 12 bore Repeater, one T.T. Pistol and Rs.70,000/-. Such FIR was registered.

3. Learned counsel submits that applicant Nos.2 and 3 are sons of applicant No.1 who have falsely been implicated in this case due to dispute over the plot near the above Petrol Pump upon which the owner of Petrol Pump has already demolished the shops of Complainant; that applicant No.1 Ghulam Raza has also filed F.C. Suit in the Court of Senior Civil Judge, Tando Adam; that nothing has been recovered from the possession of the accused and the recovery as shown in the FIR has been foisted upon the applicant; that the accused are behind bars and no more required for further investigation. In support of his arguments learned Counsel has relied upon the cases reported in 2013 MLD 1249 & 2024 P.Cr.L.J. 1521.

4. On the other hand, learned counsel for complainant as well as learned D.P.G. have vehemently opposed the bail application on the ground that the

applicants/accused are nominated in the FIR with specific role, further accused persons are dangerous as they have committed dacoity; that the police has recovered the Motorcycle, weapons and cash amount, therefore they are fully involved in the crime; that the offence fall within the prohibitory clause of section 497 Cr.P.C and applicants/accused are not entitled for grant of bail.

5. Heard learned Counsel for the applicants as well as learned counsel or complainant and learned D.P.G.

6. No doubt the recovery of all the snatched items has been shown from the applicants including the motorcycle. The enmity between the parties has been admitted by both the sides which can go in favour of either of the parties. A civil suit has also been filed by the accused against the complainant. In the light of such observations it can be concluded that the petrol pump owner in order to safeguard his own business property wants to take away the agricultural piece of land of accused party. In fact the complainant has already occupied one acre out of four acres of agriculture land of accused party and has demolished their shops. Suit by the accused has been filed to seek possession of their illegally occupied land by the complainant. In order to pressurize further he has lodged this false FIR. The Complainant party in connivance of police has foisted alleged recovery upon the applicants as all the alleged items snatched belong to complainant side. Very cleverly the sections, which fall within the prohibitory clause have been applied without their ingredients attracting the offence.

7. In such circumstances, I am of the view that the applicants' case for bail is made out. Hence bail is granted to the applicants in the sum of Rs.1,00,000/- (One Lac) each and PR bond in the like amount to the satisfaction of Trial Court.

JUDGE