

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

**Criminal Bail Application No.S-1250 of 2019.**  
**Criminal Bail Application No.S-1442 of 2019.**

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DATE	ORDER WITH SIGNATURE OF JUDGE
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**08-05-2020**

Applicants are present on ad-interim pre-arrest bail.  
Mr. Shahnawaz Brohi, advocate for the complainant.

Mr. Nazar Muhammad Memon, Additional Prosecutor General.

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By means of above applications, applicants Muhammad Ali and Dost Ali alias Bagho are seeking pre-arrest bail in Crime No.48 of 2019, under sections 302, 324, 449, 337 H(ii), 148, 149 PPC, registered at P.S. Balu Ja Quba, District Shaheed Benazir Abad.

2. In FIR it is alleged that nephew of complainant had contracted Court marriage with daughter of applicant Muhammad Ali, as such both the parties were inimical to each other. On the day of incident viz. 14.08.2019 both the applicants along with other co-accused duly armed with Repeaters barged in the house of complainant and then both the applicants allegedly fired upon Ali Khan brother of complainant and his son Imran Ali. Resultantly, Ali Khan was killed and his son Imran Ali sustained serious fire arm injuries.

3. Applicants' counsel has chosen to remain absent and on his behalf Muhammad Yasin advocate is holding brief. The case diaries show that since the applicants were granted ad-interim pre-arrest bail vide order dated 14.11.2019, their counsel has never appeared and in the interest of justice the matter has been kept on adjourning. On few occasions the applicants changed their advocate when the Court insisted them to proceed with the matter, but those advocates only filed the power but never proceeded with the matter. Therefore, accordingly the applicants were given a last chance to proceed with the bail applications on 13.04.2020, 24.04.2020 and 27.04.2020. Today also their counsel is absent. In view of such position, with the assistance of learned Additional Prosecutor General and counsel for complainant I have gone through the material available on record and have heard the applicants in person.

4. In the FIR both the applicants have been specifically nominated. They both were armed with Repeater and fired at deceased Ali Khan and PW Imran Ali injuring him severely. The said allegations are further supported by medical evidence as well as statements of the witnesses under section 161 Cr.P.C. It may be said that relief of pre-arrest bail is extra-ordinary and is meant to protect innocent people from humiliation of arrest in non-bailable offences, which otherwise require arrest of accused, in which apparently they are implicated by the complainant out of malafide and ulterior motives. There is prima facie nothing on record to show that the applicants, who are assigned a direct role of committing murder and injuring PW, have been implicated falsely by the complainant in the case. Therefore, the applicants are not entitled to extra-ordinary relief of pre-arrest bail and hence both these bail applications are dismissed. The ad-interim pre-arrest bail granted to the applicants vide orders dated 14.11.2019 and 26.12.2019 respectively is hereby recalled.

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

JUDGE