

ORDER SHEET
HIGH COURT OF SINDH AT KARACHI

CrI. Bail Appl. No.1736 of 2024.

Date

Order with signature of Judges

For hearing of Bail Application.

31.10.2024.

M/s. Inayat Ali Malkhani and Sanaullah Soomro, Advocates along with Applicant

Mr. Muhammad Iqbal Awan, Addl. Prosecutor General

Mr. Muhammad Saleh, advocate for the complainant

Mohammad Karim Khan Agha, J:- Applicant Gul Hassan Lothio was booked in FIR No.172/2024 under Section 337-F(iii), 337-H(ii), 114, 147, 148, 149, 504 PPC registered at PS Sujawal. He applied for pre arrest bail before the Court of Sessions Judge, Sujawal, which was declined vide order dated 26.07.2024. Hence the applicant approached this Court for pre arrest bail.

2. Brief facts of the case as per FIR are that on 10.06.2024 at 1600 hours at Walu Tandani Talha near Village Khamiso Lothio, the applicant with other co-accused armed with pistol, on account of previous ill will and instigation by co-accused Wazir, hurled abuses on the complainant. The applicant fired pistol shot which caused injury on left leg of Ali Akber. After departure of the accused from scene of offence, the complainant approached police station, obtained letter for examination and treatment of injuries, reached Government hospital where the injuries were examined and treated. Hence the aforesaid FIR was lodged against the present applicant.

3. I have heard learned counsel for the applicant. Learned Addl. Prosecutor General Sindh and learned counsel for the complainant have opposed to grant of the instant bail.

4. The maximum sentence available for the offence under which the applicant has been charged is less than 10 years imprisonment and the general rule is that bail should be granted in such like cases unless exceptional circumstances exist. There is no exceptional circumstance existing in this case in order to decline the bail. It is noted that FIR of the

incident has been lodged with unexplained delay of 04 weeks which might have given the complainant party time to consult and lodge the false FIR. No recovery was made from the applicant at the time of his arrest. The fire arm injury is on a non-vital part of the body. The medical board has yet to give its final decision on the injury caused to Ali Akbar. Per learned counsel, the charge has been framed as such the applicant is no longer required for further investigation.

5. Based on the above discussion I hereby confirm the pre-arrest bail granted earlier on 05.08.2024 to the applicant Gul Hassan Lothio on the same terms and conditions.

6. It is made clear that this order is only after a tentative assessment of the evidence available on record and would have no bearing on the trial of the applicant which shall be decided by the concerned trial Court expeditiously. No adjournment on any flimsy ground shall be allowed. In the event if the applicant misuses the concession of bail, the complainant shall be free to approach relevant forum for cancellation of his bail. Copy of this order shall be sent to the District & Sessions Judge Sujawal, for compliance.

7. The instant criminal bail application stands disposed of in the above terms.

JUDGE