

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.  
Crl. Bail Appln. No.D-11 of 2021.

Date	Order with signature of Hon'ble Judge
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1. For orders on office objection.
2. For hearing of Bail Application.

Messrs Kamran Ahmed R. Gorar and Noorullah G. Rind, advocates  
for the applicant.

Mr. Mohammad Noonari, Deputy Prosecutor General.

Date of Hearing : 02.06.2021.  
Date of Order : 04.06.2021.  
*DB*

ORDER

Omar Sial, I.- Riaz Hussain Mastoi has filed this application seeking post arrest bail in crime number 18 of 2021 registered under sections 324, 353, 399, 400 and 402, P.P.C. read with section 6(2)(n) of Anti-Terrorism Act, 1997 at the Behram Police Station. Earlier, his application seeking bail was dismissed on 30-4-2021 by the learned Anti-Terrorism Court, Larkana.

2. The background to this case is that on 17-3-2021, S.I.P. Ubedullah Abbasi lodged the aforementioned F.I.R. narrating therein that a police party led by him was on patrol duty when it received information regarding the presence of 5 armed men at a nearby location. The police party reached the identified spot and after a 15 minute shoot out with the 5 armed men, 4 out of whom they identified, the applicant Mastoi was apprehended and arrested, in an injured condition, along with an unlicensed Kalashnikov.

3. We have heard the learned counsel for the applicant as well as the learned DPG and with their able assistance also perused the record. Our observations are as follows.


4. Learned counsel for the applicant has focused his argument on the fact that the alleged encounter never actually happened and that it is *DB* unbelievable that in spite of the shoot out between the police and the

armed accused persons, no police officer received an injury. He submitted that the applicant had been falsely involved in the case due to a tribal rivalry and that in reality he had been deliberately shot by a police officer while he was in custody. Learned counsel did not deny that the applicant had a crime record but stated that he had been acquitted in all the cases. In support of his argument he put on record various orders and release writs pertaining to the applicant. To the contrary, the learned DPG argued that the police officials had no enmity with the applicant to falsely involve him in this case.

5. The record reveals that the applicant has been involved in cases of serious crimes for a period spanning 17 years. He has had 21 cases registered against him and it also appears from the police file that a 5 lac bounty was put on his head vide Government Notification No.POL-II/12/B2010, dated 9-7-2010. No satisfactory explanation has been provided to us which would show as to why the applicant has always been falsely targeted by different police officers over a crime history spanning nearly 2 decades. This is one case where it is also imperative to observe that the close family members of the applicant also each have a healthy crime record spanning over many years with at least one of them having also been declared as proclaimed offender. While this fact alone would not form the basis of denying bail to the applicant, yet it sheds a negative light on the bonafide of the applicant. Whether the police encounter was a genuine one will be proved at trial after evidence is led. Upon a tentative assessment of the record, we are of the view that it would not be safe to enlarge the applicant on bail pending trial. The bail application therefore stands dismissed.



JUDGE

  
JUDGE  
04/06/2021.