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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.
Cri. Bail Appn. No S-345 of 2021

Date _____ Order with signature of Hon'ble Judge _____

1. For orders on office objection.
2. For hearing of Bail Application.

Mr. Bahadur Ali Shahani, advocate for the applicant, along with applicant

Mr. Abdul Ghaffar Kaihoru, Assistant Prosecutor General

Date of Hearing : 27 09 2021
Date of decision : 27 09 2021

ORDER

Omar Sial, J.- Shahid Hussain has sought pre-arrest bail in crime number 31 of 2021 registered under sections 395, 506/2, 337-H(ii) and 337-A(i), P.P.C. at the Madeji police station. Earlier, his application seeking bail was dismissed on 10-7-2021 by the learned 5th Additional Sessions Judge, Shikarpur.

2. Israr Ali Khan Pathan lodged the aforementioned F.I.R. on 26-5-2021. He narrated therein that Rs.400,000/- was owed to him by, *inter alia*, the applicant Shahid Ali. On 15-4-2021, while he was sitting at a mobile shop with 2 other persons, 5 armed persons appeared there. They were identified as Shahid Abbasi (the applicant), Sudheer Ahmed, Sameer Ahmed and Munir Ahmed whereas the 5th person could not be identified. Sameer and Sudheer snatched 2 mobile phones from the complainant and upon some resistance shown Muneer Ahmed hit the complainant on his head with a hatchet. In the ensuing commotion, the 5 men left the shop uttering dire consequences for the complainant party.

3. I have heard the learned counsel for the applicant as well as the learned Assistant Prosecutor General. The complainant did not effect an appearance inspite of notice. My observations and findings are as follows.

4. Admittedly no overt act, apart from presence and a general allegation of aerial firing has been assigned to the applicant. The mobile phones were allegedly snatched by Sameer and Sudheer whereas it was

Muneer Ahmed who had hit the complainant. The injury sustained by the complainant *prima facie* has been categorized as *Shajah-i-Khafifa* which in itself is a bailable offence. Whether or not the phones were actually taken and whether or not the applicant shared a common intention with those who snatched it will have to be determined at trial. The applicant, who is the son-in-law of the accused Munir Ahmed appears to have an acrimonious relationship with his father-in-law. In the circumstances of the case, not only is the case of the applicant one of further inquiry but *malafide* on the part of the complainant to throw the net wide cannot be conclusively ruled out at this stage.

5. Above are the reasons for my short order of earlier today.

OS 27/7/24
JUDGE