

ORDER-SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA  
Crl. Bail Appln. No. S- 228 of 2017.

Date of hearing  
18.08.2017.

Order with signature of Judge

Applicants are present in person.  
Mr. Sardar Ali Rizvi, D.P.G.

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Omar Sial, J: Applicants Dural alias Dur Muhammad, Shaman alias Shamasuddin, Riaz and Nooral alias Noor Muhammad have sought pre-arrest bail in Crime No.05 of 2017, registered under Sections 380, 457, 215, 148 and 149 PPC at the Akil Police Station.

Brief facts of the prosecution case are that on 01.3.2017 one Nawab Ali lodged a report at the Akil Police Station, stating therein that on 15.2.2017 he was asleep in his house along with his cousin Asad Ali and father Jan Mohammad, when at about midnight six armed persons entered his house. He identified all six of them. Four were the Applicants while the two others were identified as Ali Nawaz and Shahnawaz. The intruders took away 19 cows, which belonged to the complainant. The complainant contacted the elders of Applicant Nooral and Nooral told him that if the complainant gives him Rs.100,000/-, he will return the cows. The complainant gave him the Rs.100,000/- but the cows were not returned. Upon this report of the complainant the present FIR was registered.

I have heard the Applicants in person as well as the learned APG and have also examined the available record with their assistance. The complainant and his counsel remained absent. My observations are as follows.

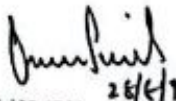
It seems rather strange that in spite of being in contact with the Applicant Nooral and his elders, there is no recovery to date of the cows. The complainant himself has stated that he lives in a hut in a small village. It does not appeal to a prudent mind that 19 cows could have been taken on foot without any witness seeing them or as a

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matter of fact the complainant party not even raising any hue or cry at least after they were out of the range of the threat from the intruders weapons. There is no recovery of any weapon that has been made to date nor is there any evidence that the Rs.100,000/- was paid to the Applicant Nooral. The Applicants themselves surrendered before the trial Court and have not been absconders at any stage. They appear to have also cooperated in the investigation. In these circumstances, the argument of the Applicants that they have been involved in this case with ulterior motives due to some disputed money transactions and solely with the view to disgrace and humiliate the them cannot be conclusively ruled out at this stage. Accordingly, the case of the Applicants warrants further enquiry.

For above reasons, interim pre-arrest bail already granted to the Applicants on 02.6.2017 was confirmed on the same terms and conditions by short order dated 18.8.2017.

Needless to mention that the observations made herein above are tentative in nature and would not prejudice case of either party at trial.

  
JUDGE 28/8/17

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