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ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA.
Cr.B.A.No.S-596 of 2015.

Date of hearing	Order with signature of Judge.
For hearing.	

21.08.2017.

Mr. Ashfaq Hussain Abro Advocate for applicants.
Mr. Syed Sardar Ali Shah Rizvi DPG
Mr. Faiz Muhammad Larik Advocate for applicants.

I have heard learned counsel for the complainant and the learned DPG and while learned counsel for applicant stayed absent I have heard the applicants in person. For the reasons to be recorded latter on interim pre-arrest bail granted earlier stands confirmed on same terms and conditions.



J U D G E

S Ashfaq

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ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Crl. Bail Appln. No. S- 596 of 2015.

Date of hearing
21.08.2017.

Order with signature of Judge

Applicants present in person.

Mr. Faiz Muhammad Larik, Advocate for complainant.

Mr. Sardar Ali Rizvi, D.P.G.

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Omar Sial, J: Applicants Abdul Rehman, Rasool Bux, Muslim Khan son of Ali Nawaz, Imdad Ali Abdul Hameed, Ayaz Ali, Fahad Ali, Muslim son of Qadir Bux and Abdul Waheed have sought pre-arrest bail in Crime No.17 of 2015 registered under Sections 395, 427, 148, 149, 337-H(2), 337-F(i) and 504 PPC at the Airport Police Station. Earlier on 11.11.2015, their pre-arrest bail application was turned down by the learned Sessions Judge, Larkana.

Brief facts of the case are that on 04.11.2015, the complainant Ghulam Shabbir Mirani lodged the aforementioned FIR stating therein that on 13.8.2015 the Applicants entered his house armed with pistols, spades, rifles, guns, iron rods and cudgels; caused injuries to his wife Zubaida; damaged the house and took away with them two buffaloes, four goats and household items.

I have heard the Applicants in person and the learned counsel for the complainant as well as the learned D.P.G. I have also examined the record with their assistance. My observations are as follows.

- (i) Only general allegations have been leveled against all the accused. The parties admittedly have an enmity between them, which has led to the filing of several FIRs against each other. The accused party had earlier filed FIR bearing number 02 of 2015 under Section 365-B PPC and FIR bearing number 13 of 2015 under Sections 506 (2), 147 and 148 PPC against the son of the complainant in the present FIR. FIR No. 02 of 2015 was disposed of in "C" class, whereas a report under Section 173 Cr.P.C has

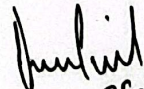
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been filed in FIR No.13 of 2015. The origins of the dispute appears to be that the complainant's daughter married a member of the accused party out of her own free will. In such a situation the counsel's argument that the present FIR has been filed with an ulterior motive to intimidate and pressurize the accused cannot be conclusively ruled out at this stage.

- (ii) No recovery has been made to date. It also seems odd that the accused took away with them two buffaloes, four goats and household items on foot while the complainant party did not raise any hue or cry even after they were out of the range of the weapons of the accused.
- (iii) The incident occurred on 13.8.2015, whereas the FIR was lodged on 04.11.2015. There is absolutely no explanation given by the learned counsel of complainant for this inordinate delay of nearly three months in lodging the present FIR.
- (iv) The Applicants want to face trial but are apprehensive of being humiliated and disgraced by the police and society if they are arrested. Such arrest being imminent under the circumstances.

In view of the above reasons, the case of the Applicants warrants further enquiry. Accordingly, vide short order dated 21.08.2017, the interim pre-arrest bail already granted to the applicants vide this Court's order dated 24.11.2015 was confirmed on the same terms and conditions and these are reasons for the same.

  
20-8-17  
JUDGE

Ansari/\*