

RETURN SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Crl. Bail Appln. No.8-141 of 2024.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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13.06.2024.

1. For orders on office objection 'A'.
2. For hearing of bail application.

Mr. Ali Raza Pathan, advocate for the applicant along with applicant.

Mr. Ali Anwar Kandhro, Addl. P.G.

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MEHMOOD A. KHAN, J- Applicant Abdul Latif son of Hoat Khan Zangejo, seeks pre arrest bail in Crime No.05/2024, registered at Police Station Mahota (District Larkana), for offence punishable under sections 324, 337-H(2), 114, 34, PPC.

2. It is alleged in the F.I.R that present applicant Abdul Latif Zangejo along with other three accused, namely, Altaf, Amjad and Rizwan came at the place of occurrence and at the instigation of accused Rizwan Zangejo, the present applicant who was allegedly armed with Pistol, made fire upon Begum Khatoon (sister-in-law) of the complainant which hit her on her leg and FIR to the above effect was lodged.

3. Learned counsel for the applicant contends that the applicant is innocent and he has been falsely implicated in this case by the complainant with mala fide intention and ulterior motives; that there is delay of three days in lodgment of F.I.R, though the distance between place of Vardat and Police Station is only about three kilometers; that previous murderous enmity between the parties has been admitted by complainant herself in the FIR, as such false implication of the applicant in this case cannot be ruled out; that the alleged injury assigned to the present applicant is not on the vital part of the body of the injured; that the injury on the person of injured has been declared as "Jurh Ghyr-Jaifah Mutalahimah" falling under section 337-F(iii), PPC carrying punishment upto only three years, as such the alleged injury

does not fall within the prohibitory clause of Section 497(1), Cr.P.C. Hence the applicant may be admitted to pre arrest bail.

4. On the other hand learned Addl. P.G vehemently opposes the grant of bail on the ground that the applicant is nominated in the F.I.R with specific role and ocular version is corroborated by medical evidence which is also supported by statement of witnesses. Hence he is not entitled for extra ordinary relief for grant of pre arrest bail.

5. Heard learned counsel for the applicant, learned Addl. P.G and perused the material available on record. This being a bail stage wherein the allegation supported by material on record only bring out a case where the prohibitory clause of Section 497, Cr.P.C is not found attracted as the offence of Section 324, PPC is yet to be established. In the circumstances bail is liable to be treated as a rule same stands confirmed on the same terms and conditions as granted by order dated 08.03.2024. The learned Sessions Judge, having specified threats being advanced to the complainant, it is being observed that in case such incident is reported to learned trial Court and need be felt to make reference to this Court and learned trial Court may pass appropriate required orders on its own. Bail application stands disposed of in the above terms.

6. Needless to mention here that the observations made herein- above are tentative in nature, which shall not prejudice the case of either party at trial.

7. Above are the reasons of my short order dated 13.06.2024.


Judge

M.Y.Panhuvar/**