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IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.

Cr. Ball Appln. No.S-225 of 2022

**Shahid Ali Rind
Vs
The State**

Applicant present in person.

Mr. Imran Ali Abbasi, Asst. P.G.

Date of hearing : 16.05.2022.

Date of Order : 16.05.2022.

ORDER.

MUHAMMAD SALEEM JESSAR, J.- Applicant Shahid Ali Rind seeks his admission on pre-arrest bail in Crime No.25 of 2022, registered at Police Station Allahabad, Larkana, for offence under Sections 447, 114, 506/2, 337-F(v), 337-H(2), 147, 148, PPC, after his bail plea has been declined by the learned I-Additional Sessions Judge, Larkana vide order dated 02.04.2022.

2. According to the case of prosecution, on 08.3.2022, at 1.30 p.m., near saline drain situated on the road leading towards Rind Colony, Larkana, accused persons, namely, 1) Shahid, 2) Tarique, 3) Waqar, 4) Shakeel, all by caste Rind, 5) Mohammad Ibrahim Phulpoto, 6) Akshay Kumar, and 7) Bobi, felled down PW Zulfiqar Ali Jagirani and gave kicks and fist blows to complainant and PW Furqan, and also caused butt blows of repeater to PW Furqan on his foot and made aerial firing. PW Furqan was taken to hospital for treatment. The complainant then went to police station and lodged FIR on 20.3.2022.

3. Applicant is present in person on bail. Process issued against complainant is returned duly served. It is taken on record. However, complainant is not in attendance.

4. The applicant submits that prior to this incident his brother, namely, Tarique Ali Rind had also got registered FIR vide Crime No.23/2022 at P.S Allahabad, Larkana on 18.3.2022, in which complainant party is shown as accused and they have also been granted

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bail by this Court. He, therefore, submits that by extending the constant treatment instant bail application may also be allowed. Learned Asst. P.G. has no objection.

5. Admittedly, the FIR is delayed for about 12 days and the sections applied in the FIR are bailable except sections 506/2 & 337-F(v), PPC, which carry maximum punishable upto 07 years. The case is being tried by the Court of Judicial Magistrate, where, after recording evidence of prosecution witnesses, if prosecution may succeed to prove its charge against the accused, even then punishment of more than 03 years cannot be visualized.

6. In the circumstances and in view of above, I am fortified by the dicta laid down by the Hon'ble Supreme Court of Pakistan in the case of *Muhammad Tanveer v. The State* (PLD 2017 SC 733) and am of the opinion that the case of applicant requires further enquiry within the meaning of Section 497(2), Cr.P.C. Consequently, this bail application is allowed and Interim pre-arrest bail granted to the applicant on 27.04.2022 is hereby confirmed on same terms and conditions.

Application in D/o Matter

JUDGE

1- For orders on M/A 2404/2024 (UK)
2- For orders on M/A 2405/2024 (SBI-A)
Accountant report as flag 'A'