

ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA
Crl. Bail Appln. No. S- 94 of 2014.

Date of hearing	Order with signature of Judge
05.05.2015.	

Mr. Nisar Ahmed G. Abro, Advocate for applicant.
Mr. Khadim Hussain Khooharo, D.P.G.

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**Nazar Akbar, J:** Through this application, the applicant Badaruddin Gopang seeks post arrest bail in Crime No. 12/2014 of P.S New Foujdari, District Shikarpur, under Sections 465, 468, 470, 471, 475, 506 (2), 324 P.P.C from this Court, as his similar application was rejected by the learned trial Court, vide impugned order dated 12.02.2014.

The allegation against the present applicant is that, he alongwith other co-accused managed false stamp paper with their false signatures as well as false attestation of Civil Judge and Judicial Magistrate Shikarpur and also used a false round seal of the Court and that on 16.01.2014 they extended threats to complainant party and fired upon them in order to commit their murder.

Learned counsel for the applicant has argued that, the F.I.R is delayed for two days; that there are general allegations of making firing upon complainant party but no specific role has been assigned to any of them including present applicant; that the parties are disputing each other over landed property therefore, in the background of previous enmity false implication of the applicant cannot be ruled out; that admittedly this is case of ineffective firing as none from complainant party has received any injury or even any scratch; and that none of the accused repeated the fire, therefore, application of Section 324 P.P.C would be determined at the time of trial.

On the other hand learned D.P.G, opposed grant of bail on the ground that name of applicant appears in the F.I.R; and that the offences with which the applicant has been charged fall within the prohibitory clause of Section 497 Cr.P.C, disentitling applicant to grant of bail.

Heard the learned counsel for the parties and perused the record.

Prima-facie story narrated in the F.I.R is about a civil dispute between the parties and the allegations which attract provisions of Section 324 and 506 (2) P.P.C are such that at the best it is case of ineffective firing. The prosecution has already challaned the accused. Nothing has been recovered from the possession of accused who is in judicial custody. The allegations of forgery and fraud are related to the documents prepared for claiming the ownership of disputed land between the parties. The stamp paper which is alleged to have been prepared can only be proved at the trial, therefore, the applicant/ accused has made a case of further inquiry into his guilt. No particular role is assigned to any accused named in the F.I.R. Only five empties of T.T pistol have been recovered from the scene of offence. So far no case under Section 13 (d) of Arms Ordinance has been filed against any of the accused, which further strengthens the argument that the case requires further inquiry into the guilt of the applicant/accused.

In view of above facts the applicant/ accused has made out a case of further inquiry, he is admitted to bail on his furnishing solvent surety in the sum of Rs.100,000/- (One hundred thousand) and P.R bond in the like amount to the satisfaction of trial Court.

Judge

Ansari/\*

ORDER-SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA  
Crl. Bail Appln. No. S- 93 of 2014.

| Date of hearing | Order with signature of Judge |
|-----------------|-------------------------------|
| 05.05.2015.     |                               |

Mr. Nisar Ahmed G. Abro, Advocate for applicant.  
Mr. Ashfaque Hussain Abro, Advocate for complainant.  
Mr. Khadim Hussain Khooharo, D.P.G.

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The applicants/accused were admitted to pre arrest bail by Order dated 21.2.2014 and in view of order in post arrest Crl. Bail Appln. No. S- 94/2014 arisen out of the same F.I.R No.12/2014 P.S New Foujdari District Shikarpur, the interim pre arrest bail already granted to applicants is hereby confirmed on same terms and conditions.

Judge

