

*ORDER SHEET*  
**IN THE HIGH COURT OF SINDH,  
CIRCUIT COURT, HYDERABAD.**  
Cr. B.A. No.S-866 of 2015.

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DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing.

06.10.2015.

Mr. Hameedullah Dahri, Advocate for the applicants.

Syed Meeral Shah, Deputy Prosecutor General.

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**NAZAR AKBAR, J.**- Through this application, applicants seek post-arrest bail in Crime No.21 of 2015, registered with Police Station Mangli, District Sanghar, under section 435, 427, 337-H(ii), 506(2) and 34 P.P.C.

2. Facts of the prosecution case, in nutshell, are that on 30.04.2015 at 1200 hours, complainant Ali Rajput lodged F.I.R. stating that there is a dispute in between the parties over the lease of agricultural land. On 28.04.2015, complainant alongwith his friend Mitho Khan Zardari and farmer Khamiso were present at their land when at about 1500 hours accused/applicants duly armed with repeater and hatchet came there and on the show of arms asked them to leave the land, otherwise they will be murdered. Thereafter, the accused set the crop of the complainant on fire and went away while making aerial firing. Thereafter, complainant lodged such F.I.R.

3. Learned counsel for the applicants contended that the applicants have falsely been implicated in this case with ulterior motive due to admitted dispute over agricultural land; that the applicants are innocent; that there is a delay of 02 days in lodging the F.I.R; that no such incident had taken place and the offence alleged against the applicants does not fall within the prohibitory clause.

4. Learned D.P.G. after going through the record raised no objection to grant of bail to the applicants.

5. I have heard learned counsel for the parties and perused the record. Admittedly, there is a dispute between the parties over lease of agricultural land; that the role attributed to the applicants is of making aerial firing, whereas the ingredients of sections 435 and 427 PPC need further probe at trial; that the alleged offence does not fall within the prohibitory clause of section 497 Cr.P.C; that the challan of the case is reported to have been furnished and keeping the applicants behind the bars for indefinite period will not serve any purpose.

6. In view of above, the case of the applicants of further inquiry as envisaged under section 497(2) Cr.P.C. Accordingly, the applicants are granted bail subject to furnishing solvent surety in the sum of Rs.100,000/- (Rupees one hundred thousand) each and P.R. Bond in the like amount to the satisfaction of the trial Court.

Bail application stands disposed of.

JUDGE

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