

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

1st Cr. Bail Appln. No.D- 124 of 2025.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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- 1.For orders on office objection as flag A.
2.For hearing of bail application.

23.4.2025.

Mr. Muhammad Afzal Jagirani, advocate for the applicants.

Mr. Aitbar Ali Bullo, D.P.G.

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AMJAD ALI SAHITO-J.:- By this application, applicants are seeking pre arrest bail in Crime No.06 of 2025 registered with P.S Gaji Khuhawar Distt: Kamber Shahdadkot for offence under Sections 452, 337-A(i), F(i), F(vi), 114, 506/2, 504, 148, 149 PPC, after their bail plea was declined by learned Additional Sessions Judge-II, Kamber vide impugned orders dated 07.03.2025.

2. Details and particulars of the FIR are already available in the memo of instant application, same can also be gathered from the copy of FIR attached with the application, hence need not to reproduce the same hereunder.

3. Per learned counsel applicants are innocent and have been falsely implicated in this case in the background of previous dispute between the parties which is also admitted in the FIR; that there is delay of 3 days in lodgment of the FIR for which no plausible explanation has been furnished by the complainant and all the sections applied are bailable except Section 452, 337-F (v) PPC which too do not fall within ambit of prohibitory clause of Section 497 9i) Cr.P.C. On all these submissions he prayed for concession of bail.

4. Conversely, learned D.P.G for the State opposed the grant of bail on the ground that applicants/accused have been nominated in the FIR with specific role in the commission of offence which is also supported by the prosecution witnesses and medical account.

5. I have heard learned counsel for the parties and perused the material brought on record.

6. Perusal of record reflects that allegedly applicants/accused duly armed with their respective weapons attacked upon complainant party out of

whom on instigation of accused Karamullah, accused Mashooque Ali caused hatchet blow to PW Ahmed Khan on his left arm, accused Azhar caused hatchet blow to PW Ahmed Khan on his left elbow, accused Sabz Ali caused hatchet blow to Ahmed Khan on his nose, accused Muhammad Khan caused hatchet blow to Ahmed Khan on his side, and then all accused caused kicks and fists blows to complainant party. Thus, applicants/accused are nominated in the FIR with specific role in the commission of offence.

7. Record further reveals that ocular evidence finds support from the medical evidence. The PWs in their 161 Cr.P.C statements have fully supported the version of the complainant. At this stage only tentative assessment is to be made. Further for grant of pre-arrest bail the essential requirements are malafide and ulterior motives those are missing in this case. In this respect, I am fortified with the case law of Hon'ble Supreme Court of Pakistan [2019 SCMR 1129] wherein the Hon'ble Supreme Court of Pakistan has held as under:

"Grant of pre-arrest bail is an extra ordinary remedy in criminal jurisdiction; it is diversion of usual course of law, arrest in cognizable cases; a protection to the innocent being hounded on trump up charges through abuse of process of law, therefore a petitioner seeking judicial protection is required to reasonably demonstrate that intended arrest is calculated to humiliate him with taints of mala fide; it is not a substitute for post arrest bail in every run of the mill criminal case as it seriously hampers the course of investigation....., the principles of judicial protection are being faithfully adhered to till date, therefore, grant of pre-arrest bail essentially requires considerations of malafide, ulterior motive or abuse of process of law."

8. Considering the above facts and circumstances of the case, it appears that the applicants/accused have failed to make out their case for grant of bail, as, at this stage, there is sufficient material available on record to connect them with the commission of the alleged offence, hence I do not find it a fit case for grant of bail to the applicants/accused. Resultantly these bail applications are dismissed. The interim bail already granted to the applicants vide order dated 11.3.2025 are hereby recalled.

9. Needless, to mention here, that the observations made hereinabove are tentative in nature and would not prejudice the case of either party at trial.

JUDGE

Shabir/P.S