

**IN THE HIGH COURT OF SINDH CIRCUIT COURT
LARKANA**

Criminal Bail. Application No.S-178 of 2025

Applicant : Zulfiqar son of Deedar Ali Lanjwani
Through Mr. Sohail Ahmed Veesar, Advocate

The State : Through Mr. Nazir Ahmed Bhangwar, DPG.

Date of hearing: 14.05.2025

Date of Order: 14.05.2025

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ORDER

Jan Ali Junejo, J:- This Criminal Bail Application is directed against the orders dated 22.07.2024 and 24.03.2025 passed by the learned Additional Sessions Judge, Ratodero, whereby the bail plea of the present applicant was declined in respect of FIR bearing Crime No. 153 of 2023, registered at Police Station Ratodero, under Sections 392, 394, and 34, PPC. The applicant seeks post-arrest bail.

2. According to the contents of the FIR, on 30.06.2023, at about 1730 hours, the complainant Haji Meeran Khan, along with his son Ghulam Shabir and nephew Nazar Muhammad, was traveling by motorcycle from his village Sukkur Wah to Ratodero. Near Pir Jaffar Shah on Ratodero-Mirokhan Road, they were intercepted by three armed, unidentified persons riding a red motorcycle without a number plate. The accused forcibly stopped the complainant's motorcycle, brandished weapons, and in the ensuing scuffle, one of the accused fired at the complainant's son, causing gunshot injuries to his thigh and testicular region. The assailants fled the scene on both their own and the complainant's motorcycles. The complainant rushed his injured son to Taluka Hospital Ratodero, from where he was referred to CMC Hospital Larkana. Thereafter, the

complainant appeared at the Police Station Ratodero and registered the aforementioned FIR.

3. Learned counsel for the applicant contended that the applicant has been falsely implicated in the case with mala fide intention and ulterior motives. He argued that there is no direct evidence connecting the applicant with the commission of the offence, and that the identification of the applicant allegedly by the complainant at a later stage is unreliable and doubtful. The incident took place in the dark hours of the evening and the identification of the accused was allegedly made without any formal identification parade. He further submitted that the recovery is foisted and that the applicant is behind bars since his arrest, with no progress in trial. The learned counsel prayed for the grant of bail on the ground of further inquiry under Section 497(2), Cr.P.C.

4. Conversely, the learned Deputy Prosecutor General opposed the bail application and contended that the applicant is nominated in a heinous offence involving robbery and attempt to commit murder. He maintained that the accused was properly identified and that ocular evidence is supported by medical evidence. The role of firing at the victim has been assigned to the accused party. Furthermore, he argued that sufficient material connects the applicant to the offence and no ground for further inquiry exists. He prayed for the dismissal of the bail application.

5. I have heard the learned counsel for the applicant and the learned DPG and perused the available record with their assistance. The allegations against the applicant are grave and serious in nature, involving a brutal armed robbery and gunshot injuries inflicted upon the victim. The FIR was lodged promptly without delay, which rules out the possibility of deliberation or false implication. The

complainant clearly narrated the sequence of events and specifically mentioned the act of shooting by one of the accused resulting in injuries to his son. Medical evidence corroborates the version of the complainant. Moreover, the complainant has claimed to have seen the faces of the assailants and expressed readiness to identify them. Though the accused was arrested subsequently, the complainant's assertion of recognition lends weight to the prosecution case. No material has been brought on record to suggest enmity or mala fide on part of the complainant to falsely implicate the applicant. The trial Court has already declined bail while assigning sound reasons based on the merits of the case and the material collected during investigation. No circumstances have been shown that would warrant a different view by this Court at this stage. Furthermore, no case of further inquiry under Section 497(2), Cr.P.C. is made out, and the applicant appears to be prima facie connected with the offence. The alleged offence falls within the prohibitory clause of Section 497, Cr.P.C., and carries grave legal consequences. Moreover, the nature of the offence is such that it is directed not merely against an individual but against society at large. Granting bail in such circumstances may send a negative message and potentially erode public confidence in the justice system, thereby causing a detrimental impact on the societal order. Reference in this regard may be made to the case of ***Abdul Waheed v. The State (2004 SCMR 319)***, wherein the Honourable Supreme Court observed that: "*Admittedly the alleged offence does not fall within the purview of section 497(1), Cr.P.C. but on this score the concession of bail cannot be claimed as a matter of right in view of the nature of the offence and its harsh impact on the society as a whole*". It has been held by this Court in Case of ***Aijaz Ali v. The State (2005 YLR 3360)*** that if accused of robbery are released on bail, then Society would feel unsafe.

6. In view of the above discussion, I find no merit in the instant bail application, which is accordingly dismissed. However, it is clarified that the observations made herein are tentative in nature and are strictly confined to the disposal of this bail application. These observations shall not influence the trial Court at the time of deciding the case on merits.

JUDGE