

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Criminal Bail Application No.S-599 of 2025

DATE	ORDER WITH SIGNATURE OF JUDGE
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For orders on office objections.
For hearing of main case.

24.06.2025

Mr. Ghulamullah Chang, Advocate for applicants/accused
Mr. Abdul Hameed Bajwa, Advocate for complainant
Mr. Irfan Ali Talpur, Deputy Prosecutor General, Sindh a/w Inspector
Muhammad Khan Kaloi, SHO P.S. Khorwah District Badin

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O R D E R

AMJAD ALI SAHITO, J:- Through the instant criminal bail application, the applicants are seeking their pre-arrest bail in Crime No.23 of 2025, under Section 302, 324, 147, 148, 149 P.P.C, registered at P.S. Khorwah District Badin. Earlier the bail plea of the applicants were declined by the Sessions Judge, Badin, vide impugned order dated 26.05.2025.

2. The facts of the case are already mentioned in the F.I.R and memo of bail application, hence, need not to reproduce the same hereunder.
3. Applicants/accused are called absent, however, their learned counsel is present and requests for condonation of their absence. Request is allowed.
4. Per learned counsel, the applicants are innocent and have falsely been implicated in this case; prior to this, the applicants also lodged FIR bearing Crime No.22 of 2025, U/S. 302, 324, 114, 147, 148, 149 PPC against complainant party wherein four persons from applicants' side have lost their lives and in the present case, two persons have lost their lives and over 5/6 persons sustained injuries in the present case. He lastly prayed for confirmation of bail.
5. On the other hand, learned counsel for the complainant vehemently opposed for confirmation of bail and states that applicants/accused are nominated in the FIR and they have committed the present offence.
6. Learned D.P.G Sindh supported the arguments advanced by learned counsel for the complainant.
7. Heard and record perused.
8. From perusal of record it reflects that the names of the applicants/accused are appeared in the FIR with specific role that both the parties have dispute over agricultural, resultantly the free fight held between the parties and four persons

from applicants/accused side namely Badaruddin Rahimoon, Abdul Majeed Rahimoo, Siddique and Anwar, whereas from the complainant side two persons namely Menh Wasayo Khaskheli and Ahmed and over 5/6 persons became seriously injured. The eyewitness/injured persons have fully supported the version of the complainant, and the ocular evidence finds support from the medical evidence. The presence of the applicants/ accused was not denied by their counsel. At bail stage only tentative assessment is to be made and the sufficient material is available on record which connects the applicants/ accused with the commission of alleged offence. For grant of pre-arrest bail, the essential requirement is malafide which is lacking in this case. In this regard, I am fortified with the case law of Hon'ble Supreme Court of Pakistan [2019 S C M R 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.”

9. In view of above discussions, the applicants/accused failed to make out case for confirmation of his bail. Consequently, the bail application is dismissed and the interim pre-arrest bail earlier granted to the applicants/accused vide order dated 02.06.2024 is hereby re-called.

10. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicant on merits.

J U D G E

Asif. I khan