

ORDER SHEET

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

Cr. Bail Appln.No.S- 270 of 2025.

DATE OF HEARING ORDER WITH SIGNATURE OF HON'BLE JUDGE

- 1.For orders on office objection as flag A.
- 2.For hearing of main case.

7.7.2025.

Mr.Abdul Rehman Bhutto, advocate for the applicant.

Mr. Nazeer Ahmed Bangwar, D.P.G.

Mr. Mohammad Ali Pirzada, advocate for the complainant.

ORDER

KHALID HUSSAIN SHAHANI-J.: Through the instant post-arrest bail application, the applicant Liaquat Ali seeks his release in a case bearing Crime No.06 of 2025, registered at Police Station Mahi Makol, for offences punishable under Sections 324, 337-A(i), 337-F(i), 148, and 149 PPC. His earlier bail plea was declined by the learned trial Court vide order dated 19.05.2025.

2. As per the FIR, the applicant, armed with an axe, was allegedly among twelve accused persons who launched an assault on the complainant party while armed with firearms and blunt weapons. The specific allegation against the applicant is that he inflicted a stick blow with the handle of his axe on the head of PW Abdul Wahid, while other co-accused are alleged to have caused firearm and danda injuries to other prosecution witnesses and the complainant.

3. Learned counsel for the applicant has contended that the applicant is innocent and has been falsely implicated due to prior enmity

over landed property, which is acknowledged in the FIR. He argued that the role attributed to the applicant is distinguishable inasmuch as the injury allegedly caused by him attracts punishment of up to two years and falls under Section 337-A(i) PPC, a bailable offence. It is further submitted that prior to the occurrence, the applicant himself had lodged FIR No.05 of 2025 against the complainant, his brother, father, and other relatives regarding a related incident. Additionally, civil litigation between the parties is pending, which lends further weight to the applicant's plea of false implication. Significantly, the injured complainant has filed a statement indicating no objection to the grant of bail, thereby materially weakening the prosecution's case.

4. The learned Deputy Prosecutor General duly assisted by learned counsel for the complainant has recorded no objection for bail.

5. I have heard the learned counsel for the parties and perused the available record with their assistance. The name of the applicant admittedly finds mention in the FIR, and the role attributed to him is limited to causing a blow with the handle of an axe to the head of PW Abdul Wahid. The injuries sustained, as alleged, fall within the scope of Sections 337-A(i) and 337-F(i) PPC, both of which are bailable and punishable up to two years. Furthermore, the admitted prior enmity between the parties over landed property, coupled with the registration of a counter FIR by the applicant against the complainant and his family members arising from the same date and time, raises serious doubts about the bona fides of the prosecution. In such a background, false implication cannot be ruled out. The applicability of Section 324 PPC and vicarious liability under Sections 148 and 149 PPC involve factual questions which require deeper appreciation of evidence and can only be determined at the trial. Moreover, the injured complainant's no-

objection statement in favour of the applicant further indicates either a compromise or lack of intent to pursue criminal proceedings.

6. In view of the foregoing circumstances, I am of the opinion that the case against the applicant calls for further inquiry within the purview of Section 497(2) Cr.P.C.

7. Accordingly, the applicant Liaquat Ali is admitted to post-arrest bail subject to his furnishing a solvent surety in the sum of Rs.50,000/- (Rupees Fifty Thousand only) and a personal recognizance bond in the like amount to the satisfaction of the learned trial Court.

8. Needless to observe that the findings hereinabove are tentative in nature and shall not prejudice the case of either party during trial proceedings.

JUDGE

Asghar Altaf/P.A