

ORDER SHEET

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

1ST Cr. Bail Appln. No.S- 177 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 bail application.

11.7.2025.

Mr. Muhammad Ali Pirzada, advocate for the applicant.

Mr. Nazeer Ahmed Bangwar, D.P.G for the State.

Mr. Safdar Ali Ghouri, advocate for the complainant.

ORDER

KHALID HUSSAIN SHAHANI-J.:- Through the instant application, the applicant Ali Raza Depar seeks pre-arrest bail in Crime No. 13 of 2025 registered at Police Station Gaji Khuhawar, under Sections 324, 148, and 149 PPC. The applicant's plea for confirmation of interim pre-arrest bail was earlier declined by the learned 2nd Additional Sessions Judge, Kandhkot, vide order dated 05.04.2025.

2. As per the contents of the FIR lodged by the complainant Sanaullah Depar on 17.03.2025, the alleged incident occurred on 26.03.2025 at about 1600 hours, when the complainant along with Yaseen and Safeer was en route to their village. Upon reaching near the lands of Sardar Mustafa Kamal Depar, they were intercepted by five armed persons. Four of them were allegedly identified under the motorcycle's headlight, including the present applicant, who was armed with a repeater. The applicant allegedly reproached them for not heeding their earlier warnings and fired directly at Safeer, hitting him on his left leg and thigh. Thereafter, the accused fled the scene. The injured was taken to the police station, where a letter for treatment was obtained, and subsequently, the FIR was registered.

3. Learned counsel for the applicant contends that the applicant has been falsely implicated in the case due to admitted prior enmity between the parties. He submits that the FIR is lodged with an unexplained delay of nine days, casting serious doubt on the prosecution's version. The eyewitnesses cited are close relatives of the complainant, which further diminishes the evidentiary value of their statements. It is also pointed out that the complainant himself is a mashir in Crime No.3 of 2025, which arises out of a dispute involving the applicant and the landlord of the complainant, namely Sardar Kamal Mustafa Depar. Hence, the possibility of mala fide intention and false implication cannot be ruled out. The injury allegedly caused is on a non-vital part of the body and falls within the ambit of Section 337-F(i) PPC, which is a bailable offence. It is further submitted that the case has since been challaned and the applicant is no longer required for custodial investigation.

4. On the other hand, the learned Deputy Prosecutor General, assisted by learned counsel for the complainant, has conceded the arguments advanced by the learned counsel for applicant; besides filed an statement raising no-objection for confirmatio of bail.

5. I have heard the learned counsel for the parties and have examined the material available on record with their able assistance.

6. It is an admitted fact that there is a delay of nine days in the lodging of the FIR, which remains unexplained and prima facie raises questions of deliberation and false implication. The admitted prior hostility between the parties and the complainant's involvement in earlier proceedings affecting the interests of the applicant further support the inference of possible mala fide. All the eyewitnesses are closely related to the complainant, and no independent witness has been cited. The injury attributed to the applicant is not on a vital part of the body and is covered under Section 337-F(i) PPC, which is a bailable

offence. Furthermore, the case has been challaned and the applicant is no longer required for investigative purposes. learned counsel for the complainant has also filed an statement, raising no-objection for confirmation of the bail. These circumstances cumulatively bring the case within the purview of further inquiry as envisaged under Section 497(2) Cr.P.C.

7. Accordingly, the applicant has succeeded in making out a case for the confirmation of pre-arrest bail. The interim pre-arrest bail already granted to the applicant is, therefore, confirmed on the same terms and conditions.

8. Needless to observe that the above findings are tentative in nature and shall have no bearing on the merits of the case at the time of trial.

JUDGE