

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Bail Appln. No. S-241 of 2025

Applicants	:	Saeedoo @ Faiz Muhammad Nadir Ali Muhammad Bux @ Judge Chakar All by caste Jaferi Through M/s Safdar Ali G. Bhutto and Mushtaque Ali Langah, advocates
Complainant		Rasool Bux Jafferri Through Mr. Saeed Ahmed B. Bijarani, advocate
The State	:	Mr. Aitbar Ali Bullo, D.P.G for the State a/w Zubair Ahmed Shaikh, S.S.P Kashmore @ Kandhkot, S.I.P Mola Baksh, S.H.O P.S. Karampur, S.I.P Abdul Raoof Choliani, I.O of the case.
Date of hearing		26-05-2025
Date of order		26-05-2025

**ORDER**

**AMJAD ALI SAHITO, J.-** Through instant criminal bail application, applicants/accused Saeedoo @ Faiz Muhammad, Nadir Ali, Muhammad Bux @ Judge and Chakar seek interim pre-arrest bail in Crime No.28/2025, registered at Police Station Karampur, District Kashmore @ Kandhkot, for the offence U/s 397, 398, 148, 149 P.P.C. Prior to this, they filed such application but the same was turned down by the Sessions Judge, Kashmore @ Kandhkot, vide order dated 30.04.2025, hence they have filed instant criminal bail application.

2. The details and particulars of the FIR are already available in the bail application and FIR, same could be gathered from the copy of FIR attached with such application, hence, needs not to reproduce the same hereunder.

3. Learned counsel for the applicants/accused submits that the applicants/accused are innocent and they have falsely been implicated in this case by the complainant due to malafide intention; that there is delay of 18 days in lodging of F.I.R, for which no plausible explanation has been furnished; that after obtaining the letter from police, only two injured

persons appeared at Rural Health Centre and third person not appeared while no medical certificate of any injured has been issued. He further submits that as per F.I.R three persons fired specifically from guns and pistols but only one injury has been sustained by P.W, for which no provisional medical has been produced; that the allegation of robbery has been made in the F.I.R, for which no time has been disclosed. He further submits that after grant of interim pre-arrest bail, the applicants are regularly attending the trial court and did not mis-used the concession of bail, therefore, they are entitled for grant of interim pre-arrest bail.

4. On the other hand, learned D.P.G. assisted by learned counsel for the complainant has vehemently opposed for grant of interim pre-arrest bail.

5. Heard the learned counsel for the applicants, learned D.P.G, learned counsel for the complainant and perused the material available on record.

6. From perusal of record, it reflects that the complainant is cultivating the lands of Haji Peroz Khan Jafferi on harap basis, after cutting the wheat crop had kept the same at thrashing-floor for getting it thrashed. On the day of incident at about 09-00 p.m when the complainant and other eye-witnesses were present, the accused persons, namely, Saeedoo @ Faiz Muhammad, Nadir Ali, Muhammad Bux @ Judge and Chakar appeared at the place of incident duly armed with T.T pistols and guns and tried to rob the wheat crop from the complainant party, when the complainant party offered resistance, then they attacked upon them, resultantly accused Chakar fired upon the cousin of complainant, namely, Muhammad Ibrahim, which hit him, whereas applicant/accused Nadir Ali fired from his gun upon cousin of complainant, namely, Ghulam Murtaza which also hit him, who after raising cries fell down; the accused Muhammad Bux @ Judge fired from his gun upon Paharuddin which hit him and the complainant party raised cries, on which the villagers came there and thereafter the applicants/accused ran away from the place of incident. The complainant party saw that the injured P.Ws received injuries of gun from the different parts of the bodies and thereafter due to night hours, they could not shift the injured to hospital and in the day time they shifted the injured the Police Station and after getting letter, they shifted the injured to hospital for treatment and after getting treatment he has lodged the F.I.R.

7. So for the **delay** is concerned, from perusal of record it reflects that injured was shifted to Police Station and after getting treatment the complainant lodged the F.I.R, hence the delay is properly explained by the complainant.

8. Today complainant is also present and states that still he is suffering resistance from the accused persons and they are not allowing him to pass the regular life.

9. The ocular version finds support from the medical evidence. The P.Ws in their 161 Cr.P.C statements have fully supported the version of the complainant. The learned counsel has failed to point out any ill will or malafide on the part of the complainant. At bail stage only tentative assessment is to be made. The ocular version finds support from the medical evidence.

10. 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."

11. Sufficient material is available on the record to connect the applicants/accused with the commission of offence. In view of above, the learned counsel for applicants/accused has failed to make out the case for confirmation of interim pre-arrest bail. Resultantly, instant bail application is dismissed and the interim pre-arrest bail earlier granted to the applicants/accused is hereby recalled.

12. Reply to show cause notices have been [filed](#) by the official respondents, which are taken on record and found satisfactory. The show caused notices are hereby vacated with warning to be careful in future.

13. 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 either party at trial.

**J U D G E**

Abdul Salam/P.A