

ORDER SHEET

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

Cr. Bail Appln. No.S- 169 of 2025.

DATE OF HEARING	ORDER WITH SIGNATURE OF HON'BLE JUDGE
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- 1.For orders on office objection as flag A.
- 2.For hearing of bail Application.

14.5.2025.

Mr. Muhammad Muqeen Korejo, advocate a/w applicants.

Mr. Aitbar Ali Bullo, D.P.G. a/w Ahmed Faisal Chaudhry, SSP Larkana and PDSP Bashir Ahmed Abro.

Complainant is present in person.

O R D E R.

AMJAD ALI SAHITO-J.- Through this bail application, applicants are seeking pre arrest bail in Crime No.22 of 2025 of P.S Naudero Distt: Larkana under Sections 324, 109, 147, 148, 149 PPC, after dismissal of pre arrest bail by learned Trial Court vide impugned order dated 25.3.2025.

Details and particulars of the FIR are already available in the memo of instant application, same can also be gathered from the copy of FIR attached with the application, hence need not to reproduce the same hereunder.

Per learned counsel for the applicants, admittedly there is standing matrimonial dispute between the parties therefore, false implication of present applicants can not be ruled out; all the eye witnesses of the occurrence are closely related to the complainant, hence they are highly interested and partisan and there is delay of 8 hours in lodgment of FIR for which no plausible explanation has been furnished. On all these submissions, learned counsel submits the prosecution case against the present applicants calls for further enquiry and they are entitled for concession of bail.

Learned D.P.G duly assisted by complainant present in Court opposed the grant of bail on the ground that applicants are named in the FIR with specific role of causing hatchet injuries to P.W Imtiaz Ali and version of complainant is fully supported by his witnesses in their 161 Cr.P.C statements.

I have heard learned counsel for the parties and perused the material brought on record.

Perusal of record reflects that accused/applicants have been nominated in the FIR with specific role in the commission of offence in which on instigation of accused/applicant Shaman, other accused namely Imdad Ali, Siraj and Ghaffar individually caused hatchet blows to P.W Imtiaz Ali on different parts of body including his hands in which two fingers of Imtiaz Ali were chopped off. Besides accused Shaman also caused lathi blow to Imtiaz Ali on his left arm, right arm and right leg while rest of accused/applicants duly armed with hatchet and lathi were amongst them to provide backing. It seems that complainant Mst.Farzana alongwith her brother Imtiaz Ali had went to the accused only to seek permission for Mst.Kubra to visit her parental house to which they refused and while they were returning back, the accused/applicants intercepted them and caused brutal hatchet injuries to her brother Imtiaz Ali in which one finger from each hand were chopped off whereby he has been made handicapped for rest of life. The ocular evidence finds support from medical evidence. The injured eye witness Imtiaz Ali and PW Imran Ali have supported the version of complainant while recording their statements under Section 161 Cr.P.C. At bail stage tentative assessment is to be made. Sufficient material is available on record to connect the applicants with the commission of alleged offence.

In above circumstances, applicants/accused have failed to make out a case of further enquiry under sub section 2 of Section 497 Cr. P.C Resultantly instant bail application is dismissed. Interim bail order dated 27.3.2025 is hereby recalled.

Needless to say, observations made herein above are tentative in nature and would not prejudice the case of either side while deciding fate of the case by trial Court.

Learned D.P.G requests for the custody of the applicants. Said request is allowed. The custody of the applicants is handed over to the I.O of the case for further investigation.

JUDGE