

ORDER SHEET

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

Cr. Bail Appln. No.S- 173 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. Riaz Hussain Khoso, advocate a/w applicants.

Mr. Aitbar Ali Bullo, D.P.G.

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.73 of 2025 of P.S Mehar Distt: Dadu under Sections 324, 114, 147, 148, 149, 337-A(i), 337-F(i), 337-H(2), 504 PPC, after dismissal of pre arrest bail by learned Trial Court vide impugned order dated 26.3.2025.

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 old will between the parties therefore, false implication of present applicants can not be ruled out; all the prosecution witnesses are closely related interse, hence they are highly interested and partisan and there is delay of four days in lodgment of FIR for which no plausible explanation has been furnished by complainant; injuries sustained by the injured P.Ws are either on non-vital part of body or simple in nature. He further pointed out that there is a counter version of case lodged by accused party in which bail plea moved on behalf of accused was dismissed. 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 firearm injuries to P.Ws Mukhtiar and Muhammad Aslam and version of complainant is fully supported by her 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 in the background of ongoing dispute between the parties on the issue of street, on 10.3.2025 accused Asghar Khoso and others had caused danda blows and butt blows to complainant by entering into their house on which they went to Police Station and obtained letter for treatment and when at about 1100 hours they reached at the gate of hospital, again accused/applicants attacked complainant party. Applicants have been nominated in the FIR with specific role in the commission of offence. Out of them, on instigation of applicant Asghar, applicants Deedar Ali, Muneer Ahmed, and Akber fired individually from their respective weapon P.W Mukhtiar which hit him on his left thigh, right thigh, right elbow and applicant Ayaz Ali caused firearm injury to PW Muhammad Aslam on his forehead. The ocular evidence finds support from medical evidence. The injured eye witnesses 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 07.4.2025 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

Shabir/P.S