

IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

1st Criminal Bail Application No. D- 42 of 2025.

Before:

Mr. Justice Shamsuddin Abbasi.

Mr. Justice Ali Haider 'Ada'.

Applicant: Muhammad Rafique, through M/s. Sajid Hussain Mahessar and Saeed Ahmed Dasti, Advocates.

The State: Through, Mr. Aitbar Ali Bullo, Deputy Prosecutor General, Sindh.

Date of hearing: 09.09.2025.

Date of Order: 09.09.2025.

ORDER

Shamsuddin Abbasi, J. Through this bail application, the applicant seeks post arrest bail in Crime No.80 of 2025 registered at Police Station, Ratodero, District Larkana, for offence under Sections 324,353,34 PPC & 6/7 ATA. Prior to this applicant approached to learned Special Judge/ATC, Larkana, who turned down his bail plea vide order dated 1.08.2025.

2. Brief facts of the prosecution case are that on 14.05.2025 complainant along with subordinate staff left P.S for patrolling when he received spy information that some drug dealers were coming on a motorcycle from Shahdadt to Ratodero. On arrival they signaled to stop the motorcycle driven by the applicant but motorcycle hit to P.C Rabesh Abro, who fell down. Accused tried to escape from the scene of offence and encounter took place between the accused and police party and they succeeded to escape from the scene of offence. Hence this application.

3. Learned Counsel for the applicant submits that applicant is innocent and he has been falsely implicated in this case; that in-fact this is a road accident in which P.C-Raabesh sustained injury which was declared as *Jurah Ghayr Jaifah Hashima* and the punishment provided for it is 05 years; that applicant was arrested in subsequent police encounter where police caused him fire arm injury at his leg and registered two fake F.I.Rs against him however, he has been admitted on bail in those cases vide order dated 13.6.2024, passed by learned Additional Sessions Judge, Ratodero; that nothing incriminating material has been recovered from his possession as such case requires further inquiry as

envisaged under section 497 Cr.PC, therefore, he prayed for the concession of bail.

4. On the other hand, learned Deputy Prosecutor General for the State opposed the grant of bail on the ground that applicant is nominated in the F.I.R. and was arrested from the scene of offence; that he caused injury to PC Rabesh hence he is not entitled for the concession of bail.

5. Heard learned Counsel for the Applicant and learned DPG for the State and have examined the material available on record.

6. Learned counsel for applicant has mainly contended that PC-Raabesh sustained injury as a result of being struck by motorcycle of applicant and said injury was declared as Jurah Ghaiyr Jaifah Hashima which is punishable for 05 years; it is also matter of record that after his arrest he was also implicated in two other F.I.Rs bearing Crime No. 85 of 2025 of PS Ratodero for offence under section 324, 353, 401,34 PPC and in F.I.R No. 86 of 2025 of PS Ratodero for offence under section 24 Sindh Arms Act, however, in both cases he has been admitted to bail. In police encounter case he sustained fire arm injury; applicant is in custody and the case has been challaned and he is no more required for investigation purpose, no purpose would be served to keep him in jail. All the P.Ws are police officials, no question of tempering of evidence rise, therefore, applicant has made out a case for post arrest. Accordingly, this bail application is allowed. Applicant is admitted to bail subject to furnishing solvent surety in the sum of Rs.100,000/- (rupees one hundred thousand) and PR bond in the like amount to the satisfaction of learned trial court.

7. Needless to mention here that observation made herein above are tentative in nature and trial Court may not be influenced of the same in any manner and shall decide the case on its own merits.

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