

IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA

Criminal Bail Application No. D-64 of 2025

Before
Mr. Justice Amjad Ali Sahito
Mr. Justice Ali Haider 'Ada'

Appellants : Shahzado son of Dur Muhammad & Wazeer Ali son of Allah Warayo both by caste Dero, through Mr. Mazhar Ali Bhutto, Advocate

Complainant : In person.

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

Date of Hearing : 21.10.2025

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ORDER

Amjad Ali Sahito, J.- Through instant criminal bail application, applicants/accused Shahzado son of Dur Muhammad and Wazeer Ali son of Allah Warayo both by caste Dero seek pre-arrest bail in Crime No.66/2025, registered at Police Station Dokri, under Sections 324, 353, 337-H(2), 148, 149, 6/7 ATA, 427 PPC. Prior to this, they filed such application but the same was turned down by the learned Judge, Anti-Terrorism Court, Larkana vide order dated 18.09.2025, 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 submits that infact the applicants/accused are innocent and they have falsely been implicated in this Case; that on the day of incident they were present before the Court of Sessions Judge, Larkana, and they were not present at the place of incident. He submits that previously there was enmity with the complainant as such he has lodged a false FIR against the applicants' party. He submits that the police has not prepared memo of place of incident where it

could be seen that there is mark of bullets' on walls and other parts and police has not recovered the empties from the place of incident as such this case becomes a case of further inquiry. He lastly prayed for confirmation of bail.

4. On the other hand learned DPG vehemently opposed the grant of bail and states that memo of place of incident was prepared where bullets marks are available so also police recovered three cartridges 6 pistols' and 2 of rifles. He also submits that applicants/accused party previously involved in number of cases. I. O of the case is present and produced record of accused party wherein as per his verbatim 108 FIRs are registered against applicants/accused party.

5. On the other hand complainant present in person submits that the accused persons are notorious criminals and involved in number of cases as such they are not entitled for the concession of pre arrest bail.

6. Heard and perused.

7. From the perusal of the record, it transpires that approximately eight persons, duly armed with rifles, pistols, and other lethal weapons, appeared at the place of incident and launched an attack upon the complainant party. The complainant is stated to be the Chairman of the Town Committee, Dokri, as well as the President of the Chamber of Commerce, Dokri. From the face of the prosecution's version, it further appears that the complainant had installed surveillance cameras at various locations within the city and, during the court proceedings, produced certain video clips purportedly showing the accused persons approaching to attack the complainant party. The Investigating Officer of the case, who is present, has stated that he prepared the memo of the place of incident, where bullet marks were found on the premises of the complainant's office, and that he also secured the empty cartridges from the scene. The FIR was lodged promptly by the complainant.

8. Moreover, the statements of the prosecution witnesses recorded by the Investigating Officer fully corroborate the

complainant's version. It is also pertinent to note that no allegation of ill-will or mala fide has been attributed against the complainant party by the applicants; rather, they have been specifically assigned roles in the FIR. In this regard, we are fortified with the case law of Hon'ble Supreme Court of Pakis [2019 S CMR 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 lave."

9. At bail stage, only tentative assessment is to be made. Sufficient material is available on the record to connect the applicant with the commission of alleged offence.

10. The Learned counsel for the applicants /accused has been failed to make out a case for grant of bail, in view of Subsection (2) of Section 497 Cr.PC. Resultantly, instant pre-arrest bail application is dismissed. The interim bail granted to the applicants/accused vide order dated **22.09.2025** is hereby **recalled**.

11. 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 the applicants on merits.

JUDGE

JUDGE