

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.  
Crl. Bail Appln. No.S-330 of 2021.

Date	Order with signature of Hon'ble Judge
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1. For orders on office objection.
2. For hearing of Bail Application.

Mr. Nisar Ahmed G. Abro, advocate for the applicant, along with applicant.

Mr. Ali Anwar Kandhro, Additional Prosecutor General.

Mr. Inam-ur-Rehman Abro, advocate for the complainant.

Date of Hearing : 25.08.2021.

Date of decision : 25.08.2021.

ORDER

Omar Sial, J.- Bahadur Ali has sought pre-arrest bail in crime number 38 of 2021 registered under sections 337-F(i), 337-F(v), 506/2 and 34, P.P.C. at the Warisdino Machhi police station in Larkana. Earlier, his application seeking bail was dismissed by the learned Additional Sessions Judge, Ratodero on 27-7-2021.

2. The aforementioned F.I.R. was lodged on 18-7-2021 by Hussain reporting an incident that had occurred on 28-6-2021. He recorded that the applicant would often tell him that he should move his house from the area where he currently lived and upon his refusal to do so the applicant would threaten him. On 28-6-2021 when the complainant was returning home on his motorcycle, 3 persons which included the applicant, holding cudgels, stopped him, and the applicant hit the complainant on the finger of his right hand whereas one companion of the applicant namely Wazir Ali hit the complainant on his right hand finger too with his cudgel whereas the other accused companion Nisar Ali hit him on different parts of the body. The accused then left the premises.

3. I have heard the learned counsel for the applicant as well as the learned DPG, who was assisted by the learned counsel for the complainant. My observations and findings are as follows.

4. There appears to be no explanation on record for the 20 day delay in lodging the F.I.R. While this delay may be explained at trial by the

witnesses and its impact on the prosecution case will also be determined at that stage; at this preliminary stage, in the absence of any cogent reason, *prima facie* deliberations and consultations in the lodging of the said F.I.R. cannot conclusively be ruled out. The delay coupled with the fact that ostensibly there is a complaint under the Illegal Dispossession Act, 2013 pending adjudication (filed by the accused against the complainant of the present case) and that the parties are admittedly on bad terms, *malafide* on the part of the complainant cannot conclusively be ruled out at this stage and will require clarification at trial. Bahadur Ali and Wazir Ali have both allegedly hit the complainant on his right hand and while it is not clear as to which of the two inflicted the injury to the complainant, it has not been denied that Wazir Ali has been granted bail by the learned trial court. Similarly, Nisar Ali who is said to have hit the complainant too with his cudgel on his back, has been granted bail. On the ground of consistency too the applicant is entitled to bail.

5. In view of the above, I am of the view that the applicant has made out a case for grant of pre-arrest bail and accordingly the interim bail granted to him earlier stands confirmed on the same terms and conditions.

  
JUDGE