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ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, LARKANA.
Crl. Bail Appln. No.S-327 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. Mazhar Ali Mangan, advocate for the applicant, along with applicant.

Mr. Abdul Ghaffar Kalhor, Assistant Prosecutor General.

Mr. Abdul Hakeem Brohi, advocate for the complainant.

Date of Hearing : 27.09.2021.

Date of decision : 27.09.2021.

ORDER

Omar Sial, J.- Qaimuddin Abro has sought pre-arrest bail in crime number 24 of 2021 registered under sections 324, 435, 114, 504, 148 and 149, P.P.C. at the Waris Dino Machi police station. His earlier application seeking bail was dismissed on 17-7-2021 by the learned Additional Sessions Judge, Ratodero.

2. Khanul Khatoon lodged the aforementioned F.I.R. on 17-5-2021. She recorded that she has a longstanding enmity with Ali Gul Kodrani Abro. On 10-5-2021 when she woke up for 'Sehri' along with her family, she saw 5 persons inside the house. They were identified as Ali Gul with a gun, Qaimuddin with a pistol, Naseer Muhammad with a repeater, Azam with a pistol and Ishtiaque with a repeater. Upon Ali Gul's instigation, Qaimuddin made a straight fire from his pistol which hit Areeba on her thigh. Azam set fire to a hedge outside the house of the complainant. The accused then went away.

3. I have heard the learned counsel for the applicant as well as the learned counsel for the complainant and the learned Assistant Prosecutor General. My findings and observations are as follows.

4. It has not been explained to me as to who Areeba exactly was and how was she related to the complainant. Be that as it may, the final medical report reflects that the possibility of a self-suffered injury could not be ruled out. The report further records that though the injured was

asked to produce the clothes she wore when she was allegedly shot, she declined to do so. Blackening was also found on the injury examined and that the space between the entry wound and exit wound was small. The 7 day delay in lodging the F.I.R. has not been satisfactorily explained though the learned counsel for the complainant did argue that the delay took place on account of consultations and deliberations. In view of the admitted acrimonious relationship between the parties and the fact that one of the accused Azam apparently has lodged F.I.Rs against the complainant party earlier, *malafide* on the part of the complainant cannot be ruled out at this stage. The ostensible injury sustained by Areeba carries a potential sentence of up to 3 years and though non-bailable falls within the non-prohibitory clause of section 497, Cr.P.C. There are no exceptional or extraordinary circumstances that would merit denying the applicant bail.

5. Above are the reasons for my short order of earlier today.


JUDGE