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ORDER-SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT LARKANA

Crl. Bail Appln. No. S- 170 of 2017.

Date of hearing	Order with signature of Judge
25.08.2017.	

Mr. Rafique Ahmed K. Abro, Advocate for applicants.

Mr. Aijaz Mustafa Samtio, DDPP.

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Omar Sial, J: Applicants Ghulam Mustafa and Talib Hussain have sought pre-arrest bail in crime No.31 of 2017 registered under Sections 324, 427, 148 and 149 at P.S A-Section Shahdadkot, District Kamber-Shahdadkot @ Kamber. Earlier their pre-arrest bail application was turned down by the learned 1<sup>st</sup> Additional Sessions Judge at Shahdadkot vide his order dated 29.4.2017.

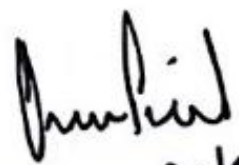
2. Brief facts of the case are that on 05.3.2017 one Ali Nawaz Kalhoro lodged the aforementioned FIR stating therein that 10 years ago one Ghulam Mustafa Brohi and his father Abdul Rehman Brohi had taken 3 tolas of gold as "Amanat" from the complainant. After the death of Abdul Rehman Brohi, the complainant asked Ghulam Mustafa Brohi to give back the 3 tolas gold to him. Ghulam Mustafa refused to do so and upon the complainant complaining to his elders, Ghulam Mustafa became annoyed. Earlier that day when the complainant was standing in his cattle shed with his sons when Ghulam Mustafa and his son Talib Hussain together with three unidentified persons came there, took out pistols and fired at the complainant party with the intention to kill them. The complainant party managed to run away and the bullets hit their gate.

3. I have heard the learned counsel for the Applicant as well as the learned DDPP. The complainant's counsel remained absent despite being at notice. My observations are as follows.

4. Admittedly, no one was scratched, let alone injured in this incident. There is also no evidence on record till now that the gate of the

complainant was hit by the shooting of the Applicants. The learned DDPP has been unable to answer how the provisions of Section 324 PPC are attracted in the present circumstances. No recovery has been made. Ulterior motive of the complainant cannot be ruled out. An offence under section 427 PPC is bailable whereas those under Sections 148 and 149 PPC are bailable in the present circumstances.

5. Above are the reasons for my short order of 25.08.2017, which confirmed the interim pre-arrest bail granted to the applicants on 04.5.2017 on the same terms and conditions.

  
JUDGE 31/8/17