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

Crl. Bail Appln. No. S- 243 of 2017.

Date of hearing 25.08.2017.	Order with signature of Judge
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Mr. Ashfaq Hussain Abro, Advocate for applicants.  
Mr. Irfan Badar Abbasi, Advocate for complainant.  
Mr. Aijaz Mustafa Samtio, DDPP.

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**Omar Sial, J:** Applicants Babar Hussain alias Changez Khan, Zubair Ahmed, Mushtaq Ali, Sajid Ali and Manthar Ali have sought pre-arrest bail in Crime No.38 of 2017 registered under Sections 504, 353, 337-A(ii), 337-F (ii), 147, 148 and 149 PPC at the Rehmatpur Police Station. Earlier, their pre-arrest bail application was declined by the learned Sessions Judge, Larkana vide his Order dated 13.6.2017.

2. Brief facts of the case are that one Ashraf Ali Bhatti lodged the aforementioned FIR stating therein that, he along with line man Mohammad Punhal Jatui and Ashiq Ali Abbasi were out in the field for the purposes of collecting electricity dues, when at about 2:30 p.m. the Applicants along with 5 other persons arrived on the scene holding cudgels and iron rods. Applicant Changez being annoyed at the electricity being disconnected instigated the other accused who then beat Mohammad Punhal. The aforementioned FIR was registered.

3. I have heard the learned counsel for the Applicants and the complainant as well as the learned DDPP. I have also examined the record made available by the prosecution. My observations are as follows.

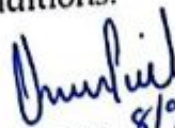
4. The learned counsel has argued that the case filed against the Applicants is tainted with malafide and based on political considerations. Applicant Changez and Applicant Zubair are Chairman and Vice Chairman of the Union Council where the protest occurred, they would

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often complain against the prolonged power failures to the electricity company officials. It has been argued that the sole motive behind the nomination of the accused in the FIR is that they are humiliated and disgraced in their constituency. He further argued that the medical report shows only three injuries, two of which are bailable while the third does not fall within the prohibitory clause of Section 497 Cr.P.C.

5. General allegations of beating against all the nine accused have been raised by the complainant. Why was a lineman collecting arrears from the consumers was not explained although specifically asked by this Court. Similarly, none of the arguments of the Applicants counsel was rebutted by the learned counsel for the complainant or the learned DDPP. It appears that a scuffle, following a protest by the residents of the locality, might have broken out because of prolonged electricity breakdowns. It is yet to be determined after trial as to who from amongst the crowd caused the injuries to the injured as three injuries were caused whereas the allegation is that several people in the crowd hit the injured. While the mere fact that an offence does not fall within the non-prohibitory clause of Section 497 Cr.P.C is not a ground for bail alone, in the circumstances of the present case I am of the view that the offence with which the Applicants are charged requires further enquiry.

6. Above are the reasons for the short order dated 25.8.2017, in terms of which the interim pre-arrest bail granted to the Applicants on 14.6.2017 was confirmed on the same terms and conditions.

  
JUDGE 8/9/17

Ansari/\*