

ORDER SHEET  
IN THE HIGH COURT OF SINDH, CIRCUIT COURT,  
HYDERABAD  
Criminal Bail Application No.S-13 of 2021

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DATE	ORDER WITH SIGNATURE OF JUDGE
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For hearing of main case.

03.03.2021.

Mr. Mehboob Ali Rind, Advocate along with applicant.  
Ms. Sana Memon, A.P.G for the State.

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**ORDER**

**Irshad Ali Shah I:-** It is alleged that the applicant with rest of the culprit in furtherance of their common intention caused fire shot injury to PW Arshad Ali on right side of his chest with intention to commit his murder, for that the present case was registered.

2. The applicant on having been refused pre arrest bail by learned 3<sup>rd</sup> Additional Sessions Judge, Shaheed Benazirabad has sought for the same from this Court by way of making instant application u/s 498 Cr.P.C.

3. It is contended by learned counsel for the applicant that the applicant being innocent has been involved in this case falsely by the complainant party on account of its grudge with him; the FIR of the incident has been lodged with delay of about one day and there was no repetition of fire shot. By contending so, he sought for pre-arrest bail for the applicant on point of consistency/further enquiry and malafide. In support of his contention he has relied upon cases of *Ali Muhammad vs The*

*State (PLD 2009 Lahore 312) and Mumtaz Ali vs The State (2020 MLD 1841).*

4. Learned A.P.G for the State has opposed to grant of the pre arrest bail to the applicant by contending that he has actively participated in commission of incident by causing fire shot injury to Pw Arshad Ali.

5. I have considered the above arguments and perused the record.

6. The applicant is named in FIR with specific allegation that he caused fire shot injury to PW Arshad Ali on right side of his chest with intention to commit his murder. In that situation, it would be premature to say that the applicant being innocent has been involved in this case falsely by the complainant party. No doubt FIR is lodged with delay of about one day, but such delay is explained in FIR itself. The delay in lodgment of FIR even otherwise could not be resolved by this Court at this stage. No repetition of fire shot could hardly be made a reason to admit the applicant to pre-arrest bail. No malafide is apparent on record, which may justify admitting the applicant to pre-arrest bail. There appear reasonable grounds to believe that the applicant is guilty of the offence with which he is charged.

7. The case law, which is relied upon by the learned counsel for the applicant is on distinguishable facts and circumstances. None of the case law so relied by learned counsel for the

applicant, the injured sustained injury on his chest being vital part of his body.

8. In view of above, it could be concluded safely that no case for grant of pre-arrest bail to the applicant is made out. Consequently, the instant bail application is dismissed.

**JUDGE**

Ahmed/Pa