

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD.
Cr. Misc. Appln. No.D- 08 of 2019

DATE	ORDER WITH SIGNATURE OF JUDGE
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1. For orders on office objection
2. For hearing of main case.

12.12.2019.

Mr. Mumtaz Sachal R. Awan, advocate for applicant.
Mr. Ahsan Gul Dahri, advocate for respondents.
Ms. Rameshan Oad, A.P.G for the State.

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The applicant by way of instant application has sought for cancellation of bail which was granted to the private respondents by learned Special Judge, Anti-Terrorism Court, Shaheed Benazirabad & Sanghar at Nawabshah.

It is alleged that the private respondents after having formed an unlawful assembly and prosecution of their common object demanded "Bhatta" of rupees five lac from the applicant to cultivate his landed property, on account of his failure to pay them they fired at him and his witnesses with intention to commit their murder, then abducted his son Abdul Rahim Shah by way of maltreatment after causing damage to his house and household articles and then take away with them his tractor and trolley for that the present case was registered.

It is contended by learned counsel for the applicant that learned trial Court has granted bail to the private respondents without lawful justification. By contending so, he sought for its cancellation.

Learned A.A.G for the State and learned counsel for the private respondents have sought for dismissal of the instant application by contending that the private respondents have been granted bail by learned trial Court with cogent justification.

We have considered the above arguments and perused the record.

The FIR of the incident has been lodged by the applicant with delay of about nine days that too after having a recourse u/s 22-A and B Cr.P.C which appears to be significant; the firing allegedly made at the applicant and his witnesses proved to be ineffective one; no "Bhatta" was paid by the applicant; the parties are already disputed over landed property and the very case on investigation was found to be false by the police and recommended to be cancelled under "C" class. In these circumstances, the private respondents have rightly been admitted to bail by learned trial Court, which need not to be cancelled.

Consequent upon above discussion, the instant Criminal
Miscellaneous Application is dismissed.

JUDGE

JUDGE

Ahmed/Pa