

**IN THE HIGH COURT OF SINDH, CIRCUIT COURT,
HYDERABAD**

Criminal Bail Application No.S-1059 of 2021

Criminal Bail Application No.S-1076 of 2021

Applicants : Asghar Ali @ Asghar son of Shamsuddin @ Hassan in Criminal Bail Application No.S-1059 2021 and Rashid Ali @ Rashid Son of Shamsuddin in Criminal Bail Application No.S-1076 of 2021, through M/s. Nizamuddin Veeghio and Ishfaque Ahmed Almani, Advocates.

Respondent : The State through Ms. Rameshan Oad, Assistant Prosecutor General, Sindh.

Date of hearing: **16.12.2021**

Date of Order : **16.12.2021**

O R D E R

AMJAD ALI SAHITO, J:- Through this single order, both the captioned bail applications are being decided as the same are outcome of one F.I.R and same incident. The applicants/accused above named seek their pre-arrest bail in Crime No.47 of 2021, under sections 506/2, 420, 406, 147, 148, 149 P.P.C, registered at P.S Rukkan District Dadu, after their bail plea was declined by the learned Additional Sessions Judge-I Dadu, vide order dated 13.11.2021.

2. The details and particulars of the F.I.R. are already available in the bail application and F.I.R., same could be gathered from the copy of F.I.R. attached with such application, hence needs not to reproduce the same hereunder.

3. Learned counsel for the applicants/accused submit that all sections areailable except section 506(2) P.P.C and it is yet to be decided whether the applicants/accused had issued threats of dire consequences or not. He further contended that on same set of facts and circumstances the complainant had lodged two F.I.Rs by narrating the same story as only a P.S. has been changed by him. He also contended that every person has a right to get justice with clean hands but the complainant has not approached the Court with clean hands. They lastly prayed for confirmation of interim pre-arrest bail.

4. On the other hand Mr. Ghulam Sarwar Baloch, Advocate holds brief for Mr. Suhbat Ali Lund, who is appearing on behalf of complainant and requests for date, request is declined as a matter pertains to District Dadu which is far away from

Hyderabad and only the section 506 (2) P.P.C is available in this case while learned Assistant Prosecutor General, Sindh raised her objection.

5. Heard arguments and record perused.

6. The case of prosecution is that on 15.05.2021 at about 1000 complainant along-with Ali Raza, and Nazeer Chandio went to their lands situated at Deh Nasrani and Dhoro Damrio where they saw present applicant Rashid Ali and Asghar Ali along-with four unknown accused persons duly armed with weapons and accused Imam Bux @ Imoo said to the complainant that he had given money to his friends Rashid Tiwino and Asghar Channa now demanding the same and if the complainant demanded amount then they will kill him except this there is no allegation against them. Further the instant F.I.R is delayed near about five months but no plausible explanation has been furnished. Moreover it is yet to be decided when the evidence will be recoded whether the applicants/accused had issued threats for dire consequences or not. It is clear from the record that prior to this the complainant has also lodged F.I.R being Crime No.26 of 2021 at Police Station Rajo Dero and on same facts he has lodged present F.I.R at P.S Rukkan as such he has approached before this Court even before Trial Court with unclean hands. No doubt every person has a right to get justice with clean hands but the complainant malafidely with ulterior motives has lodged two F.I.Rs against the applicants/accused of one incident in order to drag them into litigation.

7. In view of above, learned counsel for the applicants made out a case for confirmation of interim pre-arrest bail. Consequently, the bail applications are allowed and the interim pre-arrest bail earlier granted to the applicants by this Court vide Orders dated 22.11.2021 & 26.11.2021, are hereby confirmed on the same terms and conditions. The applicants/accused are directed to attend the learned Trial Court regularly if they fail to appear the Trial Court would be at liberty to take actions against them in accordance with law.

8. Needless to mention here that the observations made hereinabove are tentative in nature and would not influence the learned Trial Court while deciding the case of the applicants on merits.

JUDGE