

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

Criminal Bail Application No.S-662 of 2021

Applicants : Sulleman, Yaseen and Ghulam Shabir
through Mr. Ashique Hussain D. Solangi,
advocate.

Complainant : Muhammad Paryal through Mr. Ghulam
Murtaza Mallah, advocate.

The State : Through Ms. Rameshan Oad, Asst. P.G.

Date of hearing : 20.9.2021
Date of order : 20.9.2021

ORDER

KHADIM HUSSAIN TUNIO, J-Through instant criminal bail application, the applicants seek their admission to pre-arrest bail in Crime No. 80/2021, under Sections 324, 440, 504, 147, 148 and 149 PPC, registered at P.S. Sehwan.

2. The allegation against the applicants are that on 20.05.2021, at about 03:30 P.M., the applicants along with co-accused, duly armed with weapons and in prosecution of their common object, attacked the complainant party while they were driving towards Sehwan and caused injury to the complainant on his arm, for which the FIR was lodged.

3. Learned counsel for the applicants contended that there are no grounds to believe that the applicants have committed the said offences alleged against them; that the prosecution story is false; that the FIR is delayed by two days which suggests due deliberation and consultation before lodging the same; that the parties are inimical towards each other; that the role assigned to applicants is doubtful; that the incident has been fabricated and the applicants were involved falsely. He therefore prays for the confirmation of pre-arrest bail for the applicants.

4. Learned counsel for the complainant along with the complainant in person recorded no objection to the confirmation of pre-arrest bail to the applicants as they have patched up outside of the Court. Learned Assistant Prosecutor General also recorded no objection to the same.

5. I have heard the learned counsel for the parties and perused the record with their able assistance.

6. Admittedly there is about a two days delay in lodging of FIR, which has not been plausibly explained by the complainant; this incident is alleged to have taken place on 20.05.2021 at 1530 hours, whereas FIR has been lodged on 22.05.2021. The injury on the arm of the complainant is attributed to the applicant Sulleman and besides that, the other allegations are general in nature. Moreover, the application of section 324 PPC is a matter that needs thorough probe and the same will be determined at the trial as the applicants had allegedly only caused a single injury to the complainant, that too at a non-vital part of his body, even though he was left at the applicants' mercy. There is a long standing enmity between the parties and this aspect makes the case of the applicants' one of further inquiry. False implication of the applicants cannot be ruled out. Needless to add here that enmity is a double-edged sword. Where on one side, it could provide motive for the commission of a crime, it can also play its part in being a ground for false implication. No doubt, the applicants are attending the Court regularly and there is nothing on record to show that they misused the concession of bail. Complainant also recorded no objection and reportedly the parties have already patched up outside the Court.

7. For what has been discussed above, I am of the considered view that the applicants have a good case for confirmation of pre-arrest bail, therefore, the interim pre-arrest bail already granted to the applicants by this Court was confirmed on the same terms and

conditions vide short order dated 20.09.2021. These are the reasons for the same.

8. Needless to mention here that the observations made herein above are tentative in nature and will not prejudice the case of either party at the time of trial.

J U D G E

Muhammad Danish*