

ORDER SHEET

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail. Appln. No.S- 391 of 2020

For hearing of bail application

17.08.2020

Mr. Shabbir Ali Bozdar Advocate for the Applicants
Mr. Ather Hussain Abro Advocate for the complainant
Mr. Aftab Ahmed Shar, Additional PG for the State

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Aftab Ahmed Gorar, J:- Through instant Criminal Bail Application, the applicants/accused Roshan Ali, Manzoor, Sadoro, Sher Muhammad, Sikander Ali, Asghar Ali, Soomar and Zahid seek post-arrest bail in Crime No.09 of 2020 registered at Police Station, Kamaldero, District Naushahro Feroze for offences punishable under Sections 435, 427, 337-H(ii), 506/2, 504, 147, 148, 149 and 34 PPC.

2. It is contended by learned counsel for the applicants that applicants being innocent have been involved in this case falsely by the complainant party; that no injury to the complainant and P.Ws is attributed to any of the applicants specifically; that the role of ineffective firing is attributed to applicant. It is further contended that there is old dispute between the complainant and the present applicants over the landed property, therefore, in presence of enmity the false implication of the applicants cannot be ruled-out; that the complainant has roped the entire members of one and same family

just to drag them in false criminal cases so that they may withdraw from their claim of landed property. Learned counsel lastly contended that the case has been challaned and the applicants are no more required for further inquiry.

4. Learned Additional PG for the State and learned counsel appearing on behalf of complainant have opposed for grant of bail to the applicants by contending that they have actively participated in commission of incident and the applicants are habitual offenders as the number of criminal cases have been registered against them.

5. I have heard the learned counsel for the applicants/accused, learned counsel for the complainant and learned Additional PG for the State and perused the record. The perusal of record shows that the applicants/accused duly armed with guns, pistols, hatchets and lathies attacked upon the complainant party, but none of them have caused any injury either to the complainant or his witnesses, except the role of setting the hedges attributed to applicants/accused Sikander Ali and Roshan Ali. There is enmity between the complainant and the applicants/accused over the landed property, whereas, the complainant has nominated a number of accused persons in the FIR, which suggests that his intentions were just to drag the applicants/accused in false criminal cases, nothing else.. The case has been challaned and the applicants/accused are not required

for further investigation. So far the contention of learned counsel that the complainant that the applicants/accused are involved in number of criminal cases. Suffice is to say that mere registration of a criminal case or involvement of the accused in number of cases would not disentitle him from concession of bail. In these circumstances, the learned counsel for the applicants/accused has rightly contended that the applicants are entitled to grant of bail on point of further enquiry.

6. In view of above, the instant bail application is allowed, the applicants are admitted to bail subject to their furnishing surety in sum of ***Rs.50000/- (Fifty Thousand)*** each and PR bond in the like amount to the satisfaction of learned trial Court. The observations made herein above are tentative in nature and will prejudice the case of either party at trial.

Judge