

**ORDER SHEET**

IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

**Cr. Bail. Appln. No. S – 20 of 2020**

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Date

Order with Signature of Hon'ble Judge

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**For hearing of bail application**

1. For orders on office objection at flag 'A'
2. For hearing of bail case

**27.01.2020**

Mr. Mushtaque Ahmed Solangi Advocate for the complainant  
Mr. Aftab Ahmed Shar, Additional PG for the State

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The applicants Allah Bachayo and Bashir Ahmed are present on interim pre-arrest bail, whereas, their counsel is called absent, as such they were asked to proceed with the case, as such they argued their case by submitting that they are innocent and have falsely been implicated in this case by the complainant with some *mala fide* intentions and ulterior motives; that there is counter-version of the present incident, as the applicant party has also got registered the FIR against the present complainant; that they are government servants. They lastly prayed for confirmation of their interim pre-arrest bail.

3. Learned counsel for the complainant as well as learned Additional PG for the State have prayed for recalling of the interim pre-arrest bail earlier granted to the applicants by contending that the applicants are nominated in the FIR with specific role assigned to them in the commission of the offence, whereas, the ocular testimony furnished by the complainant is supported by the medical certificate.

4. I have heard the applicants in person as well as learned counsel for the complainant as well as learned Additional PG for the State and have perused the material available on record. Admittedly, the names of the applicants are appearing in the FIR with specific role, and as per version of the complainant applicant No.1 Allah Bachayo has caused Iron rod

injury to injured Abdullah which hit on his nose, which has been declared as “*Shajjah-i-Hashimah*” falls under Section 337-A(iii) PPC, which is punishable upto 10 years, whereas, applicant No.2 Bashir Ahmed has caused Iron rod blow to injured Abdul Aziz on his head, which has been declared as “*Shajjah-i-Mudihah*” falls under Section 337-A(ii) PPC, which is punishable upto 05 years. Both the injured have sustained injuries on their vital parts. In the case of ***Abdul Khalique vs. The State (2019 S C M R 1129)***, the Honourable Supreme Court of Pakistan has held that the grant of pre-arrest bail essentially requires considerations on *mala fides*, ulterior motive or abuse of process of law. No *mala fides* have been alleged against the complainant that he has falsely implicated the present applicants. Accordingly, the applicants have failed to make-out a case for grant of pre-arrest bail. Consequently, instant bail application is dismissed, the interim pre-arrest bail granted to the applicants by this Court vide order dated 13.01.2020 is hereby recalled.

Judge