

**ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI**

Crl. Bail Application No.1546 of 2018

Date	Order with signature of Judge
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For hearing of bail application.

Dated: 31.12.2018

Sardar Sher Afzal Khan, advocate for the applicants.

Mr. Zahoor Shah, Deputy Prosecutor General.

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Learned counsel for the applicants submits that the applicants are innocent, who have been falsely implicated in the instant crime being No.81/2018 under Section 397/511/35 PPC, registered at P.S. Sujawal, District Thatta, at the instigation of the complainant, namely, Sikandar Ali son of Allah Jurio, on account of enmity. Per learned counsel, the alleged incident has not taken place, whereas, the sections mentioned in the FIR, are not attracted as neither there has been any attempt to snatch the vehicle from the complainant party nor grievous injury is caused to the complainant party as per medical report. Per learned counsel, there is contradiction in the version of the complainant as well as the alleged eye witnesses, therefore, the matter requires further inquiry. It has been further contended by the leaned counsel for the applicants, who have been arrested in another Crime No.86/2018, registered at P.S. Sujawal, in which one of the witness of instant crime, namely, Dildar Mirbahar, has been shown as musheer of recovery, whereas, learned Special Judge (Control of Narcotics Substance), Thatta, has been pleased to grant bail to the applicant/accused, namely, Murad Ali, vide order dated 03.08.2018, keeping in view the hereinabove facts. Per learned counsel, the applicants have no previous history and have been falsely implicated in the instant crime, whereas, the alleged crime does not fall within the prohibitory clause, therefore, requests that applicants may be enlarged on bail subject to furnishing solvent surety.

2. Counsel for the complainant is called absent, no intimation is received, whereas, today, the matter has been fixed as date by Court.

Learned Deputy Prosecutor General submits that since the complainant is the victim and the eye witnesses of the incident, therefore, there is no possibility that the Police has falsely implicated the present applicants/accused in the instant crime. It has been further contended by the learned DPG that there are two eye witnesses of the incident, who are yet to be examined by the trial Court, therefore, requests that the applicants may not be enlarged on bail in the instant crime.

3. On perusal of the contents of the FIR and the medical certificate in respect of complainant, it appears that the alleged incident took place in night, whereas, no recovery of pistol has been shown in the instant crime. The nature of the injury to the complainant is also not grievous, whereas, there is contradiction in the statement of the witnesses with regard to the identification of the accused persons. Admittedly, witnesses of the instant crime, namely, Dilbar Mirbahar, is also shown as witness as musheer of recovery in the connected crime, therefore, previous enmity cannot be ruled out and the matter requires further inquiry.

4. Accordingly, applicants, namely, Murad Ali and Wali Muhammad, both sons of Juman, are admitted to bail subject to furnishing their solvent surety in the sum of Rs.100,000/- (Rupees One Lacs Only) each with P.R. Bond in the like amount to the satisfaction of the learned trial Court.

5. Needless to observe that the observations made hereinabove are tentative in nature and shall not prejudice the merits of the case, which shall be decided strictly in accordance with law and on the basis of evidence on record, preferably, within a period of two months' from the date of this order.

6. However, it is clarified that if the applicant misuses the concession of bail in any manner, the learned trial Court shall be at liberty to proceed against the applicant as per law.

J U D G E