

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

Criminal Bail Application No.S-1087 of 2022.

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<b>DATE</b>	<b>ORDER WITH SIGNATURE OF JUDGE</b>
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For orders on office objection.

For hearing of main case.

31.10.2022.

Mr. Ayaz Ali Gopang advocate for the applicants.  
Ms. Rameshan Oad, Assistant Prosecutor General, Sindh.  
Applicants are present on ad-interim pre-arrest bail.  
Mr. Altaf Sachal Awan advocate for complainant.  
Complainant is present in person.

ORDER

MUHAMMAD IQBAL KALHORO, J:- There was already bad blood between the parties when on 28.08.2022 complainant party was available near Otaque of Ali Nawaz Jatoi village Lakhat, taluka Sakrand, applicants armed with deadly weapons accosted them and after hurling abuses and referring to previous enmity caused them injuries. Allegedly applicant Ali Nawaz armed with gun, applicant Mansoor Ali @ Papu armed with Repeater and applicant Rafique armed with pistol fired upon PW Aijaz and Dildar, the son and nephew of complainant, causing them multiple fire arm injuries. One of them has been opined as 337-F(v) PPC, non-bailable, punishable for five years, hence, this FIR.

Learned defence counsel has submitted that there is delay of 27 days in registration of FIR which is not properly explained. Enmity is admitted between the parties as such false implication of the applicants cannot be ruled out. In police letter whereby the injured were referred to medical examination, neither name of applicants is mentioned nor the place of incident and other details. The provisional medical certificate does not correspond with the story of FIR. On the other hand, learned counsel for complainant has opposed bail to all the applicants citing their main role in the FIR and lack of malafide on the part of complainant. Learned APG has however opposed bail to applicants Ali Nawaz, Mansoor Ali @ Pappu and Rafique on the ground that specific role has been assigned to them and has nonetheless, extended no objection to

confirmation of bail to applicants Ghulam Murtaza, Imran and Gulsher.

I have considered submissions of parties and perused material available on record. Applicants Ali Nawaz, Mansoor Ali @ Pappu and Rafique have been assigned specific role of causing multiple fire arm injuries to victims. They were armed with weapons and have prima facie used the same, therefore, Section 324 PPC which falls within the prohibitory clause is prima facie attracted to the role allegedly played by the said three applicants. Besides, there is no element of malafide on the part of complainant to falsely implicate them in a case of injury of his near and dear ones instead of real culprits. Notwithstanding, no specific role has been assigned to remaining applicants namely Ghulam Murtaza, Imran ad Gulsher. Their mere presence has been shown at the spot, and keeping in view the enmity between the parties their false implication by the complainant cannot be ruled out. This is the reason why learned APG has not opposed grant of bail to them and I do not see any reason to disagree with her.

In view of above this bail application is partly dismissed to the extent of applicants Ali Nawaz, Mansoor Ali @ Pappu and Rafique and ad-interim pre-arrest bail granted to them vide order dated 18.10.2022 is hereby recalled. Whereas, the bail application is partly allowed to the extent of applicants Ghulam Murtaza, Imran ad Gulsher and ad-interim pre-arrest bail granted to them vide order 18.10.2022 is hereby confirmed on the same terms and conditions.

The observations made hereinabove are tentative in nature and shall not influence the trial court while deciding the case on merits.

JUDGE