

**ORDER SHEET**

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

Cr. Bail Application No.S-367 of 2022

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**DATE**                      **ORDER WITH SIGNATURE OF JUDGE(S)**

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1. For orders on office objections.
2. For hearing of main case.

22.08.2022.

Applicants are present on ad-interim pre-arrest bail.  
Mr. Imtiaz Ali Abbasi, Advocate for applicants.  
Mr. Altaf Sachal Awan, Advocate for complainant.  
Mr. Fayaz Hussain Sabki, Assistant P.G.

O R D E R

**MUHAMMAD IQBAL KALHORO, J-** Applicants duly armed with pistols are alleged to have fired at complainant party near Link Road, Village Sher Muhammad Gopang, Hyderabad on 26.04.2022 at 2030 hours injuring Afaq Ahmed, Nusrat and Shazia, injuries opined by Medico Legal Officer are as 337-F(iii) PPC. Their Counsel pleading for pre-arrest bail has stated that applicants have been falsely implicated in this case on account of a double-murder case bearing Crime No.36 of 2021 of P.S Hatri registered against the complainant and PWs in this case by the accused party and there is delay of one day in registration of FIR which makes the case against applicants one of further inquiry. He has relied upon the cases cited as LIAQUAT YOUNIS and 4 others v. The STATE (2020 P.Cr.LJ Note 155) and Syed ZAMAN SHAH and others v. The STATE (2021 MLD 2106).

2.                      On the other hand, learned Counsel for complainant and learned Assistant Prosecutor General have opposed bail to the applicants citing direct role assigned to them in FIR and have relied upon the cases of GHULAM QADIR v. The STATE (2022 SCMR 750), QAYYUM KHAN v. The STATE and others (2022 SCMR 273) and MUHAMMAD AZEEM v. The STATE and others (2022 MLD 744),

3. I have considered respective pleas of the parties and taken guideline from the case law cited at bar and am of the view that applicants are not entitled to extraordinary concession of pre-arrest bail which is only meant for the accused implicated in the case by the complainant or Police on account of motives, base and ulterior, to save him from any rigor of arrest otherwise required by law. However, in this case a bare perusal of the record points to a scenario different than above. Appellants are nominated in FIR with specific role of causing firearm injuries to the complainant party, injuring as many as three persons, which attracts Section 324 PPC *prima facie*, is punishable for 10 years and falls within prohibitory clause of Section 497 Cr.P.C. It is settled that enmity is a double edged weapon and cuts both the ways, therefore, this ground to be decided in favour of the applicants at this stage is beyond the scope of tentative assessment required to be made at bail stage.

4. Therefore, I do not find the applicants entitled to the bail. Consequently, this application is dismissed and interim pre-arrest bail already granted to the applicants vide order dated 27.05.2022 is hereby recalled.

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

JUDGE

Shahid