

ORDER SHEET

IN THE HIGH COURT OF SINDH, CIRCUIT COURT HYDERABAD

Cr. Bail Application No.S-382 of 2021

DATE	ORDER WITH SIGNATURE OF JUDGE(S)
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1. For orders on office objections.
2. For hearing of main case.

29.10.2021.

Mr. Ashique Hussain D. Solang, Advocate for applicants
alongwith applicants.

Mr. Adil Shahzad, Advocate for complainant.

Ms. Sobia Bhatti, Assistant P.G.

ORDER

MUHAMMAD IQBAL KALHORO, - It is alleged by the complainant that on the day of incident viz. 16.08.2019 applicants duly armed with deadly weapons alongwith co-accused caused severe injuries to victims / P.Ws Hasil and Ishaq in order to commit their murder, committed house trace pass, killed their animals / dogs and set her house at fire. The F.I.R was registered on application moved by complainant under Section 22-A & B Cr.P.C. But since the order was challenged before this Court and stay was granted, the crime report could not be registered until 25.01.2021.

2. Learned Defence Counsel has submitted that the present case is the counter blast of F.I.R No.24 of 2019 in which both the victims are shown to have committed murder of brother of accused Deedar Ali namely Gulzar; that present F.I.R has been registered only to pressurize the accused party to compromise. The delay has not been explained properly and due deliberation to implicate the applicants cannot be ruled out.

3. Learned Counsel for complainant and learned Assistant Prosecutor General have opposed grant of bail to the applicants on the ground that they have been assigned role of beating the victims who have sustained multiple injuries.

4. I have considered submissions of the parties and the material available on record. This application has been filed for the relief of pre-arrest bail which is extraordinary in nature. It is apparent that due to pendency of

murder case against complainant party and a stay against order of registration of F.I.R against the applicants, no proper investigation could be carried out. The medical evidence, however, speaks volume. It seems that both the victims namely Haris and Ishaq, who are accused of murder of applicant Deedar Ali's brother namely Gulzar, have sustained serious injuries. Although, no one has denied that this case is cross version of the case registered against the complainant party but merely this fact would not make applicants entitled to pre-arrest bail when specific role has been assigned to them. The applicants have been shown to be duly armed with deadly weapons, which they used freely in order to inflict serious injuries to the victims. In the light of prima facie evidence against them supported by medical evidence the applicants do not appear to be entitled to extraordinary concession of pre-arrest bail, which is only meant for innocent persons implicated falsely in the case. Consequently, the bail application is dismissed and interim pre-arrest bail already granted to them vide order dated 17.05.2021 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