

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
CrI. Bail Application No. S-15 of 2023

Date of hearing	Order with signature of Judge
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10.02.2023

For Hearing of Bail Application

M/s. Amjad Ahmed Bhutto and Deedar Ali N. Chohan,
Advocates along with applicant.

Mr. Syed Sardar Ali Shah, Additional P.G for the State.

ORDER

ZAFAR AHMED RAJPUT, J.- Through instant application, applicant/accused Karam Ali s/o Muhammad Ali seeks pre-arrest bail in Crime/FIR No. 95 of 2022, registered at police Station Mirwah, District Khairpur under section 452, 506(2), 337-A(i), 337-F(i), 337-H(2), 147, 148, & 149, P.P.C. His earlier application for the same relief being Cr. Pre-arrest Bail Application No. 1158 of 2022 was heard and dismissed by the learned Additional Sessions Judge, Mirwah vide order, dated 16.06.2022. The applicant was admitted to interim pre-arrest bail by this Court vide order, dated 06.01.2023.

2. It is alleged that, on 23.05.2022 at 1130 hours, accused persons, namely, (1) Karam Ali (*applicant*) armed with iron rod (2) Lutuf Ali alias Arbelo, armed with pistol (3) Rasool Bux (4) Hadi Bux, both armed with hatchets (5) Muhammad Ishaque armed with gun (6) Irshad Ali (7) Ali Sher, both with lathies, having formed an unlawful assembly and in prosecution of the common object of that assembly they committed house-trespass by entering into house of complainant Akhtiar Hussain where accused Karam Ali (*applicant*) caused iron rod blow on the left leg of Jinsar Ali, the brother of complainant, for that the accused persons were booked in the aforesaid F.I.R. The motive behind the alleged incident as alleged in the F.I.R. was claim of the accused persons over a plot situated adjacent to the house of the complainant.

3. After hearing learned counsel for the applicant, learned Addl. P.G and perusing the material available on record, it appears that the applicant has been nominated in the FIR with specific role of causing injury to complainant's brother, which injury has been described by the MLO as *Ghayr-Jaifah Munaqqillah*, punishable under section 337-F(vi), P.P.C. for imprisonment up to seven years as *ta'zir*. All the witnesses have fully implicated the applicant in their statements recorded under section 161, Cr.P.C. After rejection of his earlier pre-arrest bail application by the Additional Sessions Judge, Mirwah, vide order dated 16.06.2022, the applicant remained absconder and after six months and twenty days, on 06.01.2023, he approached this Court for grant of pre-arrest bail.

4. From the tentative assessment of the evidence on record, it appears that the prosecution *prima facie* has sufficient evidence against the applicant to connect him with commission of alleged offence. Learned counsel for the applicant has not been able to point out any special feature of the case entitling the applicant to grant of extra-ordinary concession of pre-arrest bail. Pre-requisites for such concession i.e. malice and ulterior motive, either on the part of complainant or the police are conspicuously missing in the case. Accordingly, this application is dismissed. The interim bail granted to accused, vide order dated 06.01.2023, stands recalled.

5. Needless to mention here that the observations made herein above are tentative in nature and would not influence the trial Court while deciding the case of applicant on merits.

The instant Crl. Bail Application stands dismissed.

J U D G E

Ahmad