

ORDER SHEET
IN THE HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD
Criminal Bail Application No.S-63 of 2023

DATE	ORDER WITH SIGNATURE OF JUDGE
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31.03.2023

Mr. Abdul Majeed Magsi advocate for applicants along with applicants on ad-interim pre-arrest bail.

Mr. Mohsin Ali Almani advocate for complainant.

Mr. Abdul Waheed Bijarani, APG.

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MUHAMMAD IQBAL KALHORO, J.- Complainant by profession is advocate has got this FIR registered on 19.12.2022 against applicants alleging that on a dispute over land the applicants waylaid him on the day of incident at about 05:00 p.m. when he was travelling in a vehicle with PWs near Ganjj Bahar on the land of landlord Muhammad Yousuf. Applicant Ghulam Mustafa from his pistol made a straight fire on him but he took shelter behind a tree and saved himself.

2. Learned defense counsel has submitted that this is a case of ineffective firing; no one was injured; no recovery has been effected although the applicants have joined investigation; the case requires further inquiry; moreover section 324 PPC has been deleted by the Magistrate concerned. His arguments have been opposed by learned counsel for complainant. Learned Assistant Prosecutor General however submits that applicants are nominated in the FIR but this is a case of ineffective firing.

3. As section 324 PPC has been deleted by the Magistrate and moreover in the given facts and circumstances its applicability is not without a question as no one was injured in the incident, the case requires further inquiry and malafide on the part of complainant to implicate as many as five accused in an incident which prima facie is not free from doubt, false implication of the applicants cannot be ruled out.

4. Accordingly, this application is allowed and applicants' ad-interim pre-arrest bail granted to them vide order dated 20.01.2023 is hereby confirmed on the same terms and condition.

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

JUDGE

Ali Haider

