

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

**Cr. Bail App. No. S – 97 of 2023
Cr. Bail App. No. S – 262 of 2023**

Date of hearing	Order with signature of Judge
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For hearing of bail application

1. For order on office objections at Flag-A
2. For hearing of bail application

13.10.2023

Mr. Abdul Haseeb Khuhro, Advocate for applicants along with applicant Gul Muhammad, who has filed a statement with certain documents.

Mr. Rukhsar Ahmed M. Junejo, Advocate for complainant along with complainant, who has filed a statement along with a document.

Mr. Shafi Muhammad Mahar, Deputy Prosecutor General.

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Muhammad Iqbal Kalhoro, J. – Parties are related to each other and do not see eye to eye on account of murderous enmity. Against complainant and his other family members, earlier to this FIR, an FIR was registered by accused party in respect of murder of Muhammad Mithal, in which it is stated that complainant's brother and nephew have been convicted and sentenced to life imprisonment. Reportedly, there are more than six (06) FIRs registered by each party against the other.

2. This incident happened on 28.12.2022 at about 08:00 p.m., when applicant Gul Muhammad (seeking pre-arrest bail) and applicant Abdul Sattar (vying for post-arrest bail) statedly fired upon nephew of complainant: Mureed Abbas at Al-Muntazir Mehdi Medical Store, and caused him six (06) firearm injuries. The injuries opined by Medical Officer are minor in nature: injuries No.1 to 4 U/S 337-A(i), bailable and injuries No.5 & 6 U/S 337-F(iii) PPC, punishable for only three (03) years. Besides, there is five days delay in registration of FIR, which in the context of murderous enmity between the parties, cannot be overlooked

and likelihood of false implication or insertion of names of the ones not present at the stop, cannot be ruled out.

3. On these grounds, learned Counsel for the applicants has pleaded for bail, opposed by learned Counsel for the complainant and learned Deputy Prosecutor General, who have relied upon the cases reported in 2020 SCMR 1278, 2021 SCMR 1989 and 2022 SCMR 640, which have been duly considered.

4. In the context of delay in registration of FIR plus murderous enmity between the parties and the fact that victim has suffered only minor injuries and the fires were not repeated by the applicants although the victim was on their mercy, determination of application of 324 PPC and the case as a consequence need further enquiry. More so, applicant Abdul Sattar, who is in jail, is not required for further investigation as the Challan has already been submitted.

5. For the above reasons, these bail applications are **allowed**, and ad-interim pre-arrest bail earlier granted to applicant Gul Muhammad, vide order dated 14.02.2023, is hereby **confirmed** on the same terms and conditions, whereas applicant Abdul Sattar is **admitted** to post-arrest bail subject to his furnishing solvent surety in the sum of Rs.2,00,000/- (Rupees two lac) to the satisfaction of the trial Court.

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

The bails applications stand **disposed of** along with pending application(s), if any, in the above terms. Office to place a signed copy of this order in the captioned connected matter.

J U D G E