

ORDER SHEET

IN THE HIGH COURT OF SINDH BENCH AT SUKKUR

Cr. Bail App. No. S – 648 of 2022

Date of hearing

Order with signature of Judge

For hearing of bail application

20.10.2023

Mr. Manzoor Hussain Narejo, Advocate for applicant along with applicant.

Mr. Zulfiqar Ali Jatoi, Additional Prosecutor General.

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Muhammad Iqbal Kalhoro, J. – There is enmity between the parties as alluded in FIR by complainant, and on 02.11.2022, when complainant went to Gambat City along with PWs Sohrab alias Babu, Imran Ali and Ashique Ali, he was waylaid by applicant and other accused and at the instigation of co-accused Gulsher, applicant fired at complainant hitting his left leg. The other co-accused caused injuries to PWs Sohrab and Imran. The injuries sustained by Sohrab and Imran are minor in nature falling U/S 337-A(i) PPC, bailable. The injury received by complainant is on his non-vital part and the FIR shows that fire was not repeated by the applicant. There is already an FIR registered by accused party against the complainant bearing Crime No.69 of 2022 at Police Station Gambat U/S 302 PPC, among others, in which allegations of murder of applicant's brother are against PWs Ashique Hussain, Shah Nawaz and Ghulam Hussain.

2. Learned Counsel in such background submits that this case has been instituted only to exert pressure on applicant.

3. Learned Additional Prosecutor General although has opposed bail to the applicant on account of his specific role, but has not been able to dispute that applicant had not repeated fire on

complainant although he was at his mercy. Therefore, application of Section 324 PPC requires further enquiry. As far as the nature of injury sustained by complainant is concerned, it falls under Section 337-F(iii) PPC, and is punishable only for three (03) years. More so, there is delay of one day in registration of FIR, therefore, false implication of the applicant cannot be ruled out.

4. Accordingly, this application is **allowed** and ad-interim pre-arrest bail already granted to applicant, vide order dated 07.12.2022, is hereby **confirmed** on the same terms and conditions.

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

The bail application stands **disposed of** in the above terms.

Abdul Basit

J U D G E