

Order Sheet
IN THE HIGH COURT OF SINDH,
BENCH AT SUKKUR

Crl. Bail Application No.S- 383 of 2023

Date of hearing	Order with signature of Judge.
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Hearing of Bail Application

11-08-2023

Mr. Anwar Ali Lohar, Advocate along with applicants.
Mr. Nawab Ali Pitafi, Advocate along with complainant.
Mr. Shafi Muhammad Mahar, Deputy P.G for the State.

ORDER

MUHAMMAD IQBAL KALHORO, J.- Patties are stated to be in dispute over land matter. On 26.05.2023, allegedly all accused waylaid complainant party on a link road near Faiz Muhammad Pitafi School within the remit of P.S, Daharki-Ghotki and applicants Abdul Raza and Gul Muhammad, armed with pistols, fired upon brother of complainant Manthar hitting him thrice on lower part of his right leg. Injuries opined by Medico-Legal Officer are as 337F(vi) & 337F(iii) PPC, punishable for 07 & 03 years respectively.

2. In the investigation, the case, however, was disposed of under B-class, but learned Magistrate took cognizance of the offence against the accused and when applicants applied for pre-arrest bail before Sessions Court concerned, the same was dismissed vide order dated 03.06.2023.

3. Learned counsel for applicants stating the ground of disposal of case under B-class, has prayed for bail, which has been opposed by learned counsel for the complainant and learned DPG.

4. Learned defence counsel has relied upon the case of *Jamaluddin and another v. The state* (**2023 SCMR 1243**), in which the Supreme Court has granted bail in an injury case on the grounds of delay in FIR, non-repetition of fire by accused on the victim, the injuries sustained by victim on non-vital part of body and hence the case of further enquiry *qua* applicability of Section 324 PPC. In my view, the same grounds are attracted in the present case, not least when the Investigating Officer disposed of the case under B-class (false information) in the investigation. And more so, when the police do not intend to arrest applicants after disposal of the case, dismissing the pre-arrest bail application would not serve any purpose. Besides, enmity between the parties is alluded in FIR suggesting that false implication of applicants cannot be ruled out.

5. Accordingly, this bail application is **allowed** and the interim pre-arrest bail earlier granted to applicants by this Court is confirmed on the same terms and conditions.

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

JUDGE