

HIGH COURT OF SINDH, CIRCUIT COURT, HYDERABAD

Cr. Bail Application No.S-859 of 2023

[Aftab Ali & another versus The State]

Applicants : **Through Mr. Rashid Wassan advocate**
Complainant : **In person**
State : **Through Mr. Imran Ali Abbasi Assistant P.G**
Date of hearing : **25.08.2023**
Date of Order : **25.08.2023**

ORDER

MAHMOOD A. KHAN J:- Applicants seek interim pre-arrest bail in Crime No.208 of 2022 registered at P.S Husri/Pabban Hyderabad offences punishable under Sections 324,506(ii), 403, 147, 148, 149 and 504 PPC, after rejection of their plea for the same relief by learned trial Court vide Order dated 16.12.2022.

2- The allegation against the applicants/accused, per FIR, is that on 22.09.2022 they alongwith co-accused persons were cutting the locks of Complainant's shop and on restrictions caused by Complainant, they made straight firing on him in order to commit his murder, but he saved himself by hiding in a hotel.

3- Learned counsel for the applicants submits that applicants are innocent and have falsely been implicated in this crime by the Complainant with malafide intentions and ulterior motives; that allegations leveled by the Complainant are general in nature; that though it is alleged by the Complainant that straight firing was made by the applicants, however, not a single injury has been received by him and that co-accused have been granted bail by the learned trial Court on similar allegations, hence, interim bail granted to the applicants may be confirmed.

4- On the other hand Complainant present in person submits that applicants are issuing threats of dire consequences to him and as such he has filed application for cancellation of bail granted to the co-accused by the learned trial Court. He prayed for dismissal of bail application.

5- Learned A.P.G. also opposed the bail application.

6- Manifestly the allegations against all applicants are general in nature and ineffective firing is alleged, but surprisingly not a single injury was sustained by the Complainant. It is also noted that the co-accused have been granted bail by the

learned trial Court on similar role. Further the Sections applied in the FIR are bailable, except Section 324 PPC, which is yet to be determined at the trial hence, the case of applicants is fit for 'further inquiry.'

7- In view of the above, I am of the opinion that applicants have established their case for confirmation of interim pre-arrest bail granted to them by this Court. Accordingly, captioned bail application is allowed. Consequently the interim pre-arrest bail granted to the applicants, vide Order dated 10.08.2023, is confirmed on same terms and conditions.

Captioned bail application stands disposed of accordingly.

JUDGE

Sajjad Ali Jessar