

ORDER SHEET
IN THE HIGH COURT OF SINDH BENCH AT SUKKUR
Cr. Bail App. No. S – 624 of 2022

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

04.09.2023

Mr. Ali Ahmed Khan, Advocate for applicant along with applicant.
Mr. Rukhsar Ahmed M. Junejo, Advocate for complainant.
Mr. Aftab Ahmed Shar, Additional Prosecutor General.

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Muhammad Iqbal Kalhoro, J. – There is enmity between the parties over issue of agricultural land. On 01.11.2021, complainant and his family members were sleeping in the house. They woke up at about 04:00 a.m. and saw applicant along with three co-accused named in FIR armed with hatchets, trying to take away cattles of the complainant. The complainant party raised cries, upon which applicant and co-accused Kamaluddin caused hatchet blows to a nephew of complainant, namely, Shahnawaz causing him multiple injuries on different parts of his body. He was taken to hospital for treatment and complainant appeared at Police Station after two days of incident and registered FIR. It is stated that during course of treatment, the injured died on 06.11.2021.

2. The case of applicant for pre-arrest bail is that he is innocent, has been falsely implicated in this case. Complainant has been changing his statements by implicating more persons than revealed in FIR. In the two investigations, he was declared innocent. Memo of place of incident does not support the complainant's version of incident and postmortem report shows not only injuries but there were strangulation marks on the body of the victim.

3. Learned Counsel for the complainant and Additional Prosecutor General have opposed bail to the applicant.

4. The points raised in defence require deeper appreciation of evidence, which cannot be undertaken at the stage of deciding pre-arrest bail, which grants extra ordinary relief to a person who has been implicated in a case falsely, to save him from arrest in a non-bailable offence, which is otherwise requirement of law.

5. In this case, applicant with specific role of having caused injuries to the deceased, which proved fatal, has been named. In 161, Cr.P.C. statements of the witnesses his role has been reiterated, and which has further been reinforced by medico legal evidence and relevant memos. No case, therefore, for pre-arrest bail is made out.

6. Accordingly, this bail application is **dismissed** and ad-interim pre-arrest bail earlier granted to applicant by this Court vide order dated 28.11.2022 is hereby recalled.

7. The observations, as above, are tentative in nature and not meant to affect merits of the case before the trial Court.

Abdul Basit

J U D G E